

THE FBI RECORDS APPRAISAL

JAMES GREGORY BRADSHER

ABSTRACT: The appraisal of the headquarters and field office records of the Federal Bureau of Investigation by the National Archives in 1981 was perhaps the most important and certainly the most extensive and expensive appraisal carried out by federal archivists. In this article the author discusses the FBI records appraised; the appraisal methodology, including sampling case files for appraisal; the decision-making process for retaining records; and the records to be retained. The author also provides the background to the appraisal, including the 1979 lawsuit that led to the appraisal, and the judicial process that took place during and subsequent to the appraisal

On 8 September 1986, Judge Harold H. Greene of the United States District Court for the District of Columbia issued an order lifting a ban he had imposed on 10 January 1980, prohibiting the destruction of Federal Bureau of Investigation (FBI) records. This order marked the culmination of civil action 79-1655 in his court.¹ It also marked the end of one of the most important, and certainly the most extensive, appraisals of public records ever undertaken. Former Archivist of the United States Robert M. Warner called it "the most expensive and elaborate appraisal project" in the history of the National Archives. F. Gerald Ham of the State Historical Society of Wisconsin characterized it as the "most important records appraisal ever undertaken in this country."²

The events leading up to the appraisal and the resulting appraisal report have been discussed in several forums, but nothing substantial has been published about the appraisal itself.³ This is because those most knowledgeable, the appraisers, were requested by their agency not to write anything about it until litigation was concluded. Now this article by one of the appraisers can discuss the records, the methodology, and the disposition decisions that were made.

There are four reasons why the appraisal of the FBI's records was so important and extensive. First was the nature and significance of the records. These records, according to Judge Greene, "perhaps more than those of any other agency, constitute a significant repository of the record of the recent history of this nation, and they represent the work product of an organization that has touched the lives of countless Americans."⁴ Second was the volume of records to be appraised, over 500,000 cubic feet in more than seventy locations. Third was the number of archivists involved. Seventeen archivists, the number normally assigned to appraise the records of the entire federal government, were assigned to the project.⁵ And fourth, and perhaps most important, was the appraisal methodology employed.

The National Archives undertook the exhaustive project because of a lawsuit initiated against the government in 1979 by eleven civil liberties, religious, peace, and historical organizations and forty individuals who believed that the FBI was destroying valuable records with the concurrence of the National Archives.⁶ Specifically, they believed that the National Archives had not previously appraised the FBI's records properly.⁷

Judge Greene concurred in this belief, observing that "the Archivist and those under his supervision have failed for a period of over thirty years adequately to carry out these statutory and regulatory responsibilities with respect to the records of the Federal Bureau of Investigation." On 10 January 1980, Greene issued a preliminary injunction prohibiting the FBI from destroying any records until the National Archives had appraised them fully and developed a new record disposition schedule.⁸

Shortly after Greene's injunction, the National Archives informed the FBI it intended to have nine archivists appraise the Bureau's records between 31 March and 22 August 1980.⁹ However, difficulties arose over access. Access to the records was required to appraise them fully. The FBI was not particularly eager to comply. For over five decades the records of the FBI had been closed to all outsiders, even to judicial and Department of Justice officials.¹⁰ Previous efforts by the National Archives to appraise the FBI records had not been as thorough as they might have been, due to the lack of access.¹¹ The Bureau did not want National Archives employees to have access to Internal Revenue Service taxpayer returns and grand jury and Title III (1968 Omnibus Crime Control and Safe Streets Act) wiretap materials contained in the FBI files, or to informant names.¹² Thus, the appraisal did not take place during 1980 as the two agencies sparred over access questions.¹³

While FBI officials had concerns about National Archives appraisers having total access to their records, they certainly welcomed an appraisal if it would result in their being allowed again to destroy large quantities of records without sufficient value to warrant retention. They did so for the same reasons other federal officials desire to rid themselves of temporary (nonpermanent) records: to save space, filing equipment, and time in finding records that are really needed.¹⁴

Believing the National Archives and the FBI were not moving expeditiously enough in resolving the access question the plaintiffs late in 1980 complained to the court. Greene held hearings early in January 1981 to determine what was delaying the appraisal and what could be done to speed up the process. As a result of the hearings, Greene ordered the FBI and National Archives to report to him regularly on their progress, since "close and constant supervision by the court is necessary because the agencies have not complied with an earlier order."¹⁵

Robert M. Warner, Archivist of the United States, realizing the archival and judicial importance of the pending appraisal, appointed James E. O'Neill, Assistant Archivist for Presidential Libraries, to direct the project. Warner agreed to O'Neill's request for whatever resources might be needed to meet Warner's goals of having an appraisal that would be as thorough and as free of criticism as possible.¹⁶ O'Neill named as his deputy project director Charles M. Dollar, then the director of the Technology Assessment Division.

On 5 February 1981, Dollar called Robert W. Scherrer, chief of the records section of the FBI's Records Management Division, to inform him that the Archivist desired a new plan for the disposition of the FBI headquarters and field records for submission to the judge, and asked to meet with him. When they met the next day Dollar informed Scherrer "that the Archivist considered that an impartial, professional NARS [National Archives and Records Service] appraisal of FBI records was one of the most important tasks ever undertaken by NARS, in that the credibility and authority of NARS were at stake." Scherrer informed Dollar that the FBI was "extremely desirous of assisting NARS in any way possible in their appraisal."¹⁷

O'Neill and Dollar had already, in late January, formed a small team of archivists to develop a method of appraising the millions of FBI case files.¹⁸ On February 5, this team visited the FBI to discuss the project. The team learned that the two major challenges of the appraisal project were the volume of records and their physical locations. FBI records were maintained in three types of offices: FBI headquarters in Washington, D.C., where policies and procedures are established and from which oversight is maintained over the operations of the Bureau; fifty-nine field offices which conduct the bulk of the FBI's investigative work; and liaison offices, termed legats, in a dozen embassies, including Paris, London, and Mexico City.¹⁹

In the Washington, D.C., headquarters there were over six million criminal, civil, security, applicant, and administrative case files dating back sixty years and nearly one hundred indexes to the files, including a general index consisting of 65 million 3" x 5" cards.²⁰ In the FBI field operations there were at least 5 million case files and over 100 million index cards. Altogether, there were over 500,000 cubic feet of records, 260,000 cubic feet of which were in the headquarters and the remainder in the field operations. For security reasons the volume of records maintained in the legats was kept to a minimum.²¹

The Bureau's current record-keeping system was created in October 1921. It is a classified filing system in which each classification (or category of records) relates to a specific violation of law or specific administrative activity. In 1981 there were 214 classifications.²² Under this system each case file carries a classification number plus a sequential number. For example, a kidnapping case file might carry the number 7-10, indicating it was the tenth case opened in classification 7-kidnapping. Each document in the case file has its own numerical designation, referred to as serials. Hence 7-10-8 would refer to the eighth document in the tenth kidnapping case. This process of serialization, providing a unique numeric identifier for each document, gives the Bureau control of its records at the item level. Bureau investigations involving more than one violation are normally classified under the more serious crime. If an individual had been involved in several violations over a period of time, separate case files would have been initiated for each violation. However, in security cases only one file is used for the individual or organization. When a case has been opened for an individual or organization under a particular security classification, all subsequent documentation relating to security matters is filed in that case, regardless of the nature of the investigation. Although most of the files maintenance procedures adopted in the Bureau headquarters are duplicated in field offices and overseas legats, some variations do exist. Because the files are num-

bered consecutively, the same case will not have the same number at headquarters and in the field offices.

Each classification begins with a zero (0) file and a double zero (00) file, which are used for documents relating to the individual classification but which do not warrant an individual file. Most 00 files include material relating to the administrative history of the classification and document why the classification was initiated, changes in legislation modifying the Bureau's investigative responsibilities, investigative policy, unique investigative procedures, and jurisdictional disputes between the Bureau and other federal agencies. Before the 00 files were established, 0 files were sometimes used for policy documentation relating to the classification. But for the most part the 0 files now consist of citizen complaints, routine requests for information, general reference material, and newspaper clippings. In 1977, the FBI began using the 0 files for one-serial (single document) cases that would previously have been separate case files.

Within each classification the individual case files follow the 0 and 00 files. The number of case files in each classification ranges from less than one hundred to hundreds of thousands. For example, among the larger classifications at FBI headquarters in 1981 were classifications 100 (Domestic Security) and 105 (Foreign Counterintelligence), together consisting of over 800,000 case files (13,000 cubic feet). The case files contain a variety of documentation, including FBI agent reports; teletype messages; prosecutive summaries; accounts of interviews and physical surveillance; letters; memorandums; lab reports; informant reports; photographs; newspaper clippings and other public record material; and logs, transcripts, and summaries of electronic surveillance.²³

Although most records are maintained in central file rooms in headquarters and in the field offices, some are kept separately from the related case file or as a separate series outside the main file room. The latter include records in special file rooms, electronic surveillance (ELSUR) materials, personnel and budget records, FBI National Academy records, public inquiries, automated and audiovisual materials, and sensitive and confidential materials maintained under the personal control of the special agents in charge (SACs) of the field offices.

At the outset O'Neill and Dollar realized that National Archives appraisers could not review all of the millions of case files in the central records system, nor could they appraise the FBI's records in the traditional manner. They could not just look at the first, last, and various randomly selected case files and form an initial opinion about the value of each series (classification) of case files because each series of case files contained a broad mixture of individual case files of varying values. The National Archives had to develop a new methodology to sample files for evaluation from each classification in order to make judgments as to their values.

In February 1981, Dollar and his small working group decided that the National Archives had to approach the records systematically and "scientifically," if logistical, judicial, and political problems were to be overcome. Otherwise the National Archives could not identify the specific case files that needed to be retained. Moreover, the plaintiffs would argue that the National Archives had not properly identified records warranting continued preservation—not only for historical reasons, but also to protect the legal rights of those who may have been harmed by some FBI action. The critical problem for the National Archives was to devise a selection process that could accurately identi-

fy a relatively small sample of case files that was representative of the FBI central records system. Accurate representation of the total number of records in the sample was important since the sample would be used to identify aggregate characteristics useful in developing a records retention plan for each classification.

The National Archives used the sampling methodology developed by Michael Hindus to appraise Massachusetts court files as a model.²⁴ In 1978 a team of appraisers headed by Hindus appraised 35,000 cubic feet of Massachusetts Superior Court files dating from 1859 to 1959. The Hindus team examined 3,400 files of the 2.7 million case files and developed an appraisal plan based on their findings. The success of this project suggested that statistical sampling could be used to appraise the much more voluminous case files of the FBI.

By the first week of March, Dollar's team developed a methodology to appraise the FBI's records that involved systematic sampling to identify case files to be inspected. The archivists would examine the selected files and record their characteristics on a data collection sheet. The sheet asked approximately seventy-five questions about a file and its contents, such as the size and date span of the file, the types of documents in the file, the origins and results of the case, the subject of the case, and the presence of data on the use of informants, electronic surveillance, mail intercepts, or other sensitive investigative techniques. It also provided space for general comments that would later be used during the development of appraisal recommendations. A statistical profile of each classification would be developed from these sheets to aid in making appraisal recommendations.²⁵

When the methodology for the appraisal was adopted and an agreement on access was reached with the FBI, O'Neill selected sixteen archivists to undertake the appraisal based upon their education, appraisal experience, knowledge of investigative records, and possession of a top secret security clearance.²⁶

Before they got underway, the appraisal task force was briefed on the FBI records, filing systems and procedures, and security matters by Robert W. Scherrer, section chief of the FBI's Records Systems Section; Thomas B. Dudley, supervisor of the FBI's Records Research Staff; and Clara Glock, the Bureau's specialist on archival matters.²⁷ Understanding the records and filing systems was difficult. David J. Garrow, who made extensive use of the FBI's files for his book about the Bureau's dealings with Martin Luther King, Jr., concluded that "understanding the FBI's extensive and complicated filing system is no easy task. Quite probably no one outside the Bureau fully grasps its intricacies."²⁸

Not only was the filing system a challenge to understand, but so were the contents of the files. On the surface they appeared straightforward. In actuality, they were not so easy to comprehend. "Learning to find one's way through FBI files," according to one researcher, "is no easy chore."²⁹ A Department of Justice senior attorney in the mid-1970s investigating illegal break-ins reported that his staff had been on the case more than a year and "they still didn't know how to read an FBI file."³⁰ Most files contained dozens of abbreviations.³¹ And many files contained euphemisms, such as the use of the terms "special techniques" or "sensitive investigative techniques" when agents reported break-ins.³²

Because of the importance of protecting the legal rights of citizens, the task force met several times before the appraisal began with Department of Justice attorneys experienced in legal rights issues to discuss the legal rights implications of the records to be appraised. The task force wanted to ensure either the permanent retention of, or the establishment of lengthy disposal dates for, those records that protected the legal rights of citizens, including records relating to alleged victims of improper FBI actions who claimed or might claim they had suffered legal wrongs.³³

The appraisal team read all the policy files in the 00 files on each type of investigative activity, i.e., series or classification, before appraising the records. Using these files, the task force produced a synopsis, which provided a historical statement for each classification for use during the appraisal process.

The actual systematic appraisal, i.e., selecting and reviewing files, began late in March 1981. At the end of each day the task force produced a computer printout of the file numbers of cases in the classifications that they would appraise the next day. Each morning the printout was used by an appraiser, accompanied by an FBI clerk, to pull the case files to be reviewed. Thus the Bureau had no advance knowledge of which files would be examined. This procedure was followed both in headquarters and in the field.

Once the files were pulled, FBI staff, in the presence of task force members, masked information that the latter were not allowed to see. This included grand jury testimony, Internal Revenue Service taxpayer information, Title III wiretap material, and the names of FBI informants. Generally such material occurred in large blocks, and was covered with an envelope. The FBI personnel noted the type of record being covered on the outside of the envelope and both FBI and task force members initialed the envelope. Only the names of FBI informants were covered with small pieces of masking tape. The symbol numbers assigned informants, the information provided by informants, and, generally, biographical information about the informants were not covered.

Then the case files were ready to be reviewed. To prevent one person's judgment from having a preponderance of weight several appraisers reviewed different case files in the same classification. This assured that each classification of records would receive an unbiased evaluation.

The review of the case files, almost 20,000 in all, began with each appraiser reading the classification synopsis that provided the general background about why certain investigations were undertaken and the FBI's policies and procedures relating to the investigations. Then the appraiser evaluated each case file and completed a data collection sheet.³⁴

The most important piece of information on the data collection sheet was the reviewer's rating of the case file. The rating scale included no, low, medium, or high research potential. These four ratings were carefully defined so that the aggregate data could be standardized and comparable. A "high rating" was defined as evidence or information that was unique and of such substantive detail and richness that the case file could stand alone as a primary historical source. A "medium rating" was defined as evidence or information that was sufficiently rich that the case file significantly complemented other historical sources. A "low rating" was defined as evidence or information so lacking in detail and richness that it was only a modest supplement to other historical sources and the case file had significance only in the context of other case files

in the same classification. A rating of "none" was defined as evidence or information so ordinary and routine that the case file had no significance as a historical source even in the context of other case files in the same classification.³⁵ After the selected case files in a classification were reviewed, the appraisers wrote up their general impressions about the classification. These would later be used in the appraisal process as well as in drafting the appraisal report.

By mid-May 1981, the review of 5,832 headquarters case files was completed. Of these 4,165, or 71 percent, were identified as having no research potential. Of the 29 percent with research potential 1,328 were rated low (22 percent), 301 were rated medium (5 percent) and only 38 were rated high (less than 1 percent). These low percentages reflect the fact that much of the FBI's work is routine.³⁶ The files, the task force found, were not bulging "dossiers" as many people believed. Most case files (73 percent) were one-quarter of an inch or less thick.³⁷

Before beginning its review of field office files, the task force reviewed 267 Mexico City and Hong Kong legal attache files at headquarters. For security reasons FBI files accumulated in the legal attaches are only maintained abroad for a year before being retired to headquarters. Since the legal attaches simply provided information to the FBI office, either headquarters or field office, conducting an investigation, their files were found to have almost no research potential, especially when compared to the files of the office conducting the investigation, or in Bureau terms, the "office of origin."

It was impossible to visit all fifty-nine field offices. The task force decided to review files in the three largest offices, Washington, D. C., New York, and Los Angeles, and four representative offices, Chicago, Atlanta, Miami, and Dallas. The three largest offices were selected for their size, their geographic distribution, and because they were also major centers for many of the FBI's most sensitive and important investigative programs. The other four offices were selected because they tended to demonstrate the varied investigative emphases in different regions of the nation.³⁸

The task force began its review with the Washington field office (WFO) case files. In pulling files for review, it was learned that in many classifications the pre-1968 case files had been destroyed under National Archives schedules as no longer having an administrative value to the Bureau.³⁹ Therefore, the computer-generated sample had to be discarded. Because FBI statistics on the number of case files in each classification in each field office only identified the number of the last case opened and the last case file destroyed, the only ways to identify the amount of destruction were to physically check the storage area to determine numerical gaps or to review the destruction list for each classification. Both steps were taken and a new sample with a random start was generated for each classification in which substantial destruction had occurred. Sampling could begin only where there was a substantial number of extant case files (otherwise referred to as a run), since a sample would omit those case files preceding the run. So the task force decided to pull an "extra sample" of three case files (at the beginning, middle, and end) from extant case files preceding the run. Because many of these case files tended to be multi-section, and because older, multi-sectioned field office case files were found to have some research potential, they were not incorporated into the field office data base in

order to avoid distortions of the statistical profiles. Instead, the "extra sample" constituted a separate data base.

Altogether 2,452 cases were reviewed in the statistical sample of the Washington field office. This was supplemented by 111 "extras" (case files selected from the period of extensive destruction), and 37 "specials" (comparisons of headquarters and field office case files for the same investigation). The latter was done to test the hypothesis that headquarters files tended to have greater value than their field counterparts, in part because the headquarters version of the case contained or captured the important documentation from each field office participating in an investigation. The question of field files, it should be noted, had played the critical role in the plaintiffs' arguments to the court. They charged that the National Archives had authorized the destruction of the field files without thoroughly evaluating their value, and had simply accepted representations by the FBI that all pertinent information in the headquarters file was duplicated in the field file. Therefore, great attention was given to the review of the field files.

At the Washington field office the task force also examined the 0 file for fifty-six classifications, the electronic surveillance indices and tapes, and various files in classifications 62 (Administrative Inquiries) and 66 (Administrative Matters).⁴⁰ During the headquarters review they found that these two administrative classifications did not lend themselves to the sampling methodology because of their heterogeneous nature. Nevertheless, they examined them and made notes about their value, so that when appraisal recommendations were developed for the administrative classifications based on a file-by-file appraisal judgement, the appraisers would have a general idea of their contents.

Next, teams of ten task force members each visited the New York and Los Angeles field offices, while teams of five task force members visited the Dallas, Miami, Chicago, and Atlanta field offices. At each office they examined various records in addition to the files in the samples. These generally included the special agent in charge's (SAC) safe, all special indices, the extant personal and confidential files, bulky exhibits (i.e., things too large to be maintained in with the case files), the main index to the central records system, and electronic surveillance indices and tapes. They also reviewed numerous 0 and 00 files, "control files," and files in classifications 62, 66, and 80 (latter classification dealing with the SAC's "contacts").⁴¹ The Los Angeles field office's holdings relating to Japanese-Americans and Japanese nationals in the U.S. during World War II, the Dallas field office's holdings relating to the Kennedy assassination, and the New York field office's machine-readable racketeer profile were examined. When time permitted, task force members visited resident agencies (suboffices of field offices) to see how they operated and to what extent they maintained records.⁴²

In the seven field offices task force members reviewed about 11,000 case files, including those in the basic sample, extras, and specials. Three-fourths of the field office case files were rated as having no research potential. That as many as one-fourth did have some research potential was, in part, because the files remaining before 1970 had been deliberately retained because of their continuing importance.⁴³

Besides the review of case files identified by sampling, the task force also reviewed multi-sectioned case files to test the "fat file" hypothesis put forth in

the Massachusetts Superior Court cases appraisal. This hypothesis suggested that the likelihood of case files having archival value increased with their size.⁴⁴ To test it, some task force members reviewed three multi-sectioned files in 92 classifications at headquarters. Over 70 percent of the 276 multi-sectioned case files in this special sample were found to have some research value. Of the 653 multi-sectioned case files reviewed as part of the regular sampling, over 80 percent were found to have research potential. The task force concluded that in most classifications case files having two or more sections should be retained permanently.⁴⁵

When the review process was completed the task force began a month-long process of evaluating the material it had accumulated and making appraisal recommendations. For each of about two hundred classifications a task force member reviewed the administrative history, comments, data collection sheets, and statistical profiles (over seven thousand pages of cross-tabulations with indications between different variables, such as size and research potential), and then drafted an appraisal recommendation. The recommendation included an analysis of the classification and a proposed disposition for all of the record categories within it. That included headquarters and field office files—their correlates (headquarters/field office versions of cases) when applicable, “fat files” (i.e., multi-sectioned), and samples.

After each appraisal package had been reviewed by the other task force members, the preparer presented an oral analysis of the classification and the proposed disposition recommendation. The task force members deliberated and then voted on each type of record in a classification, with the majority holding sway.⁴⁶ The task force agreed that all headquarters 00 files would be retained to document policies and procedures. Although the headquarters 0 files frequently contained only public correspondence and “nut mail,” the task force found that these files sometimes contained substantive material, and thus, in some classifications the 0 files were recommended for permanent retention as well.

The next decision was whether to keep all case files in a particular classification. All case files in fifty-one headquarters classifications were recommended for permanent retention.⁴⁷ In those classifications where all case files were not going to be retained, various disposition recommendations were made for the specific case files to be retained. In some instances the task force recommended retaining multi-sectioned cases, case files with a specific number of serials (individual documents), case files containing certain information (such as cases with an institution or organization as the subject of the case) or resulting in certain actions (e.g., prosecution), and case files for certain time periods (e.g., all pre-1940 case files).⁴⁸ These recommendations were made for headquarters as well as the field files. In some classifications, it was decided that both the headquarters and field office version of a case (or correlates) would be retained.

In about half of the headquarters classifications the task force recommended retaining case files based on one of two sampling plans, often in conjunction with other retention criteria. These were small systematic evidential samples to illustrate the nature of the Bureau's investigations in the classifications and larger systematic informational samples to capture an aggregate of information useful for sociologists, criminologists, and social historians who employ statistical techniques to discern significant patterns in the activities of the publics they are studying.⁴⁹ The size of the sample depended upon the

research potential and the volume of records in the classification. The sampling will result in 99,000 headquarters and 37,500 field case files being retained permanently, or about 10 percent of the total number of case files being retained.⁵⁰

The recommendations were often quite complex. For example, in classification 100 (Domestic Security), where there were 487,113 case files in 1981 at headquarters, multi-sectioned cases were to be retained as well as all cases with eighteen or more serials, all informant cases, all cases with an institution or organization as subject, and a systematic informational sample of 2,500 case files per decade beginning in 1939.

In a few classifications it was decided that there were not enough case files to make an informed appraisal judgment. In such instances the task force recommended that the classification (or part of it) not be authorized for any disposition until such time as enough case files had accumulated. Nor was disposition recommended for several administrative classifications that were too heterogeneous for anything other than a file-by-file appraisal.

After the task force agreed upon its recommendations, preparers of the appraisal packages revised their analyses and disposition recommendations to conform with the group discussions and votes. This material was forwarded to O'Neill for approval, which he gave with very few exceptions.

To ensure that valuable case files would not be destroyed if the appraisal recommendations for individual classifications failed to capture them, two "safety nets" were adopted to identify such files for retention. The first was a set of over a dozen specific criteria to identify case files for retention regardless of their not being identified by the general retention recommendations.⁵¹ Examples of these criteria are cases mentioned in Bureau annual reports, cases mentioned in FBI testimony before or submitted in evidence to a committee of Congress, cases involving organizations named in the attorney general's list of subversive organizations, and cases accepted by the Supreme Court that involved FBI investigative activities.⁵²

The second safety net was developed early in the project to address the concern that disposition decisions based on a sampling technique might miss some important events, organizations, and persons. Thus, five hundred letters were sent out to university and college history departments, presidents of every major historical organization, and many individual scholars and journalists, soliciting suggestions for the names of persons, organizations, and events the FBI might have investigated, that the respondents believed were important enough to warrant retention if any case files had been created. Approximately two hundred responses were received. In addition, task force members and National Archives staff submitted lists of names. After the duplicates were removed, some three thousand names remained. These names were checked in the FBI indexes to determine whether a case had been opened on the named individual or subject. In most instances they were, and 9,300 case files were identified as "named exceptional cases." Later, to test the appraisal recommendations, a sample of these cases was selected and the case file numbers were checked against the files recommended for retention. The review showed that in most instances, the case file would have been saved using only the general retention criteria. This is because most of the named exceptional cases were found in the security and criminal classifications, where most case files were recommended for retention.⁵³

In all, over 300,000 cubic feet of case files were appraised. The task force recommended retaining at least 50,000 cubic feet, with over half to come from the field offices.⁵⁴ Looking at it another way, of the 11 million case files appraised, at an absolute minimum 800,000 headquarters and 350,000 field office case files were to be retained. Many records not contained in the FBI's central file system were also recommended for permanent retention.⁵⁵

The task force consulted with three groups when finalizing the disposition recommendations: a five-member subcommittee of the National Archives Advisory Committee; seven academics and a journalist who had special knowledge of the FBI, the Bureau's records, or fields in which the Bureau was active; and ten senior National Archives archivists. Each group of consultants was briefed about the project, its background, methodology, relevant legal issues, and specific findings and recommendations.⁵⁶ Similar presentations were made to three members of the National Archives Advisory Council and Michael Hindus, director of the Massachusetts Superior Court appraisal project. All of these individuals were given an opportunity to express their concerns and desires and to suggest changes to the proposed retention and disposal recommendations. Some of these suggestions were subsequently incorporated in the final report.⁵⁷

During the latter part of October and the beginning of November 1981, the task force prepared its report to the court. This included a records disposition schedule; chapters on various FBI files, such as J. Edgar Hoover's "personal" and "official and confidential" files; implementation instructions for the schedule; and an explanation of the appraisal's methodology, procedures, and results.

The first week of November the task force addressed the issue of when permanent case files would be transferred to the National Archives. The FBI, concerned about protecting national security, informants, and privacy, desired long periods of time between the closing of a case and its transfer to the National Archives. An agreement was reached whereby the case files to be retained in seventeen obsolete classifications and several selected case files would be transferred when the litigation involving the appraisal was concluded; permanent case files in six classifications would be transferred when they were thirty years old; and those in most other classifications would be transferred when they were fifty years old.⁵⁸

On November 9, the date established by the court for delivering the report to the court, the task force and many of the National Archives staff members who had helped on the project met with the Archivist, who praised their effort and signed the appraisal report. The two-volume, 1,400-page report was then delivered to Judge Greene.⁵⁹

As expected, initial responses to the appraisal results were mixed. Marshall Perlin, attorney for the plaintiffs, told the Society of American Archivists' *Newsletter* editor that "NARS had labored mightily and hard and came forth with a mouse—a large mouse." F. Gerald Ham, of the State Historical Society of Wisconsin, reviewing the retention plan, wrote that "the task force has given archivists an important appraisal methodology for the selective retention of voluminous records." History professor Athan Theoharis, who had written extensively about the FBI and its files, wrote that with few exceptions "the National Archives' proposed FBI records retention plan reflects the high quality

of the Archives' professionalism" and that the plan "can serve as a model for future records retention plans."⁶⁰

It was assumed that Judge Greene would act expeditiously on the case because of the public interest in it. However, he had more pressing business, playing a pivotal role in the breakup of the American Telephone and Telegraph Company.⁶¹ So, a five-year judicial process began during which time the two parties produced reams of paper attacking and defending the appraisal report.⁶² When the judge eventually reviewed the report late in 1985, he found that the National Archives had carried out its responsibility and, with a few minor exceptions, agreed with the appraisal recommendations.⁶³ During the summer of 1986, the National Archives reluctantly agreed to change a few of its recommendations so the judge would approve the plan, thereby lifting his injunction and allowing the FBI to destroy eligible records.⁶⁴ Once the National Archives modified its appraisal plan on 1 July 1986, and the plaintiffs were given a final opportunity to express their views on the revised recommendations, Judge Greene approved the plan on 8 September 1986.⁶⁵

Leonard Rapport has observed that when appraising records there is "one immutable law: there are no perfect appraisals and the best appraisal is the one that does the least harm."⁶⁶ The 1981 appraisal of the FBI's records meets Rapport's definition. Undoubtedly some people will maintain that valuable files will be destroyed as a result of the appraisal. And indeed that may happen, though the chances are small. What will be destroyed are those records that lack sufficient values for the taxpayer to bear the burden of indefinite preservation. Some of these files may be of interest to someone, for "any scholar with a little intellectual ingenuity can find a plausible justification for keeping almost every record that was ever produced."⁶⁷ There are also those who believe that in an attempt to ensure that no valuable records will be destroyed, too many files with insufficient values will be retained permanently. In any event, the National Archives, with the help of the FBI, produced, in the words of Judge Greene, "a reasonable plan which will permit researchers and others to attain access to those FBI records which may be of historical and other legitimate interest."⁶⁸

ABOUT THE AUTHOR: James Gregory Bradsher has been an archivist with the National Archives and Records Administration since 1977. He is editor of *Managing Archives and Archival Institutions* (University of Chicago Press, 1989) and author of numerous articles on archives administration and archival history. This article was written while Dr. Bradsher participated in the 1986 Research Fellowship for Study of Modern Archives administered by the Bentley Historical Library, University of Michigan, and funded by the Andrew W. Mellon Foundation and the National Endowment for the Humanities. The views expressed in the article are those of the author and are not necessarily those of his agency.

NOTES

1. *American Friends Service Committee v. Webster* (D.D.C.)
2. Robert M. Warner, "The National Archives: A Memoir, 1980-1985," *Guardian of Heritage: Essays on the History of the National Archives*, ed. Timothy Walch (Washington, D.C.: National Archives and Records Administration, 1985), 84; "FBI Appraisal Submitted," *SAA Newsletter* (January 1982): 2.
3. Review of the appraisal report by F. Gerald Ham, *American Archivist* 45 (Fall 1982): 475-77. James E. O'Neill, "FBI Appraisal," *Organization of American Historians Newsletter* 9 (October 1981): 19-20; Athan G. Theoharis, "The National Archives and FBI Records," *Government Publications Review* 10 (1983): 251-55; Susan D. Steinwall, "Appraisal and the FBI Files Case: For Whom Do Archivists Retain Records?" *American Archivist* 49 (Winter 1986): 52-63; John Anthony Scott, "The FBI Files: A Challenge for Historians," *American Historical Association Newsletter* 18 (March 1980): 1-2.
4. *American Friends Service Committee v. Webster*, 485 F. Supp. 222 (D.D.C. 1980).
5. "FBI Field Files: NARS Appraises a Mountain," *SAA Newsletter* (May 1981): 4. For background information on appraisal in the National Archives see these articles by James Gregory Bradsher: "An Administrative History of the Disposal of Federal Records, 1789-1949," *Providence: Journal of the Society of Georgia Archivists* 3 (Fall 1985): 1-21; "An Administrative History of the Disposal of Federal Records, 1950-1985," *ibid.* 4 (Fall 1986): 49-73; "When One Percent Means a Lot: The Percentage of Permanent Records in the National Archives," *Organization of American Historians Newsletter* 13 (May 1985): 20-21; "Archivists, Historians, and Records Disposition," *The Federalist: Newsletter of the Society for History in the Federal Government* 2 (Spring 1981): 5-6, 8.
6. Among the plaintiffs were the American Friends Service Committee, Women's International League for Peace and Freedom, American Indian Movement, Victor Navasky, Paul Robeson, Jr., Morton Sobell, Robert and Michael Meeropol, William Appleman Williams, Angela Davis, Frank J. Donner, and Harry Bridges.
7. For background on the case see Steinwall, "Appraisal and the FBI Files Case," 52-63; Scott, "The FBI Files," 1-2; Opinion, 30 September 1983, *American Friends Service Committee v. Webster* (U.S. Court of Appeals for District of Columbia Circuit), 1-96.
8. Opinion, 10 January 1980, *American Friends Service Committee v. Webster* (D.D.C.), 8; Order, 10 January 1980, *ibid.*, 1; "Court Rules in FBI Case," *SAA Newsletter* (March 1980):4; Kenneth Bredemeier, "Judge Blocks FBI From Destroying 30 Years of Documents in Archives," *Washington Post*, 11 January 1980, A13.
9. W.L. Bailey to Mr. Boynton, 20 March 1980, FBI File 66-3286-1346.
10. For the difficulties Congress and the General Accounting Office had during the mid-1970s to gain access to the FBI records, see *Hearings before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives on FBI Oversight, Preliminary and Final Report by the GAO on FBI Domestic Intelligence Operations*, 94th Cong., 1st and 2nd sess., 24 September 1975 and 24 February 1976, 240-48.
11. James B. Rhoads to James Gregory Bradsher, 1 July 1986, copy of letter in possession of author; Opinion, 10 January 1980, *American Friends Service Committee v. Webster* (D.D.C.), 9-10.
12. William L. Bailey to T.W. Wadlow, 9 April 1980, FBI File 66-19087-159; Affidavit, Robert W. Scherrer, 23 March 1981, *American Friends Service Committee v. Webster* (D.D.C.), 2-4.
13. James E. O'Neill to William L. Bailey, 23 June 1980, FBI File 66-19087-160; "FBI Field Files: NARS Appraises a Mountain," *SAA Newsletter* (May 1981):4.
14. Many people believed the only reason the FBI wanted to get rid of records was so it would not have to respond to Freedom of Information Act and Privacy Act requests. Scott, "The FBI Files," 1-2; testimony by Harold Fruchtbaum, 16 July 1981, before the House Subcommittee on Government Information and Individual Rights and reprinted in "Historians Defend FOIA," *Organization of American Historians Newsletter* 9 (October 1981):3,13-14. Although believing this may have played some part in the FBI's records disposition program, Judge Greene did not accept this belief as a compelling argument for retaining all records. Opinion, 10 January 1980, *American Friends Service Committee v. Webster* (D.D.C.), 18.
15. "FBI Field Files," 4.
16. Interview with Robert M. Warner, Ann Arbor, Michigan, 5 August 1986.
17. R.W. Scherrer to Mr. Finzel, 10 February 1981, FBI File 66-19249-2.

18. This team, led by Charles Dollar, consisted of Bruce Ambacher, Sharon Gibbs, Henry Wolfinger, Trudy Peterson, and Susan Falb.
19. For general information about the FBI see Steven A. Stinson, "The Federal Bureau of Investigation: Its History, Organization, Functions and Publications," *Government Publications Review* 6 (1979):213-39; Sanford J. Ungar, *FBI* (Boston and Toronto: Little, Brown and Company, 1976).
20. Two types of entries are prepared for the general index. "Main cards" are prepared for individuals, organizations and general subjects that are the primary focus of an investigation, while cross reference or "see" cards are prepared for secondary subjects. For more information on the general and special indexes see Ann Mari Buitrago and Leon Andrew Immerman, *Are You Now or Have You Ever Been in the FBI Files: How to Secure and Interpret Your FBI Files* (New York: Grove Press, Inc., 1981), 11-13; National Archives and Records Service, "Appraisal of the Records of the Federal Bureau of Investigation: A Report to Hon. Harold H. Greene, United States District Court for the District of Columbia, submitted by the National Archives and Records Service and the Federal Bureau of Investigation, November 9, 1981, Amended, January 8, 1982," vol. 2, Appendix A. Hereafter cited as NARS, "FBI Appraisal Report". The FBI, beginning in 1921, also prepared abstracts or summaries of individual documents. Each abstract was made in duplicate on 3" x 5" slips. One set was arranged alphabetically by the source or originator of the document (field office, federal agency, or private individual), while a second set was arranged by file number. A third set of abstract slips was prepared for foreign material relating to the Bureau's Special Intelligence Program (SIS) during the 1940-48 period. Adoption of the Automation of Incoming Mail Serialization (AIMS) system in 1976 eliminated the need for abstracting, although the practice was not stopped completely until 1979. *Ibid.*, vol. 1, p. 2-2.
21. Legats generally maintain case files on hand for a year before they are forwarded to headquarters for safekeeping and eventual disposition. Ungar, *FBI*, 239.
22. Classification of investigations is idiosyncratic, in both the field office and headquarters, so that the same cases may be in different classifications in the field office and headquarters. For discussions on the FBI filing systems see NARS, "FBI Appraisal Report," vol. 1, pp. 2-1 to 2-9; Buitrago and Immerman, *Are You Now or Have You Ever Been in the FBI Files*, 1-32.
23. For information on file contents see Buitrago and Immerman, *Are You Now or Have You Ever Been in the FBI Files*, 103-58.
24. Michael Stephen Hindus, Theodore M. Hammett, and Barbara M. Hobson, *The Files of the Massachusetts Superior Court, 1859-1959: An Analysis and A Plan for Action; A Report of the Massachusetts Judicial Records Committee of the Supreme Court, Boston, 1979* (Boston: G.K. Hall and Company, 1980). Hereafter cited as Hindus, *Report*.
25. For more detailed information about the methodology employed, see NARS, "FBI Appraisal Report," vol. 1, pp. 3-1, 3-4 to 3-8.
26. Charles Dollar served as task force deputy. The other task force members were Bruce Ambacher, Ed Barresse, Greg Bradsher, George Chalou, Gerry Haines, Sue Falb, Sharon Gibbs, Mike Goldman, Don Harrison, Edie Hedlin, Mike McReynolds, Jerry Nashorn, Tim Nenner, Trudy Peterson, and Henry Wolfinger.
27. Dudney and Glock started their FBI careers in records management in 1954 and 1951 respectively. Scherrer began his career with the Bureau in 1953 as a file clerk. After obtaining a law degree he became a special agent. In 1980 he assumed his records management position.
28. *The FBI and Martin Luther King, Jr.: From 'Solo' to Memphis* (New York and London: W.W. Norton & Company, 1981), 10.
29. Anthony Marro, "FBI Break-in Policy," in Athan G. Theoharis, ed., *Beyond the Hiss Case: The FBI, Congress, and the Cold War* (Philadelphia: Temple University Press, 1982), 84.
30. *Ibid.*, 84.
31. Abbreviations discussed in Buitrago and Immerman, *Are You Now or Have You Ever Been in the FBI Files*, 159-215.
32. For discussions of FBI euphemisms, see James Gregory Bradsher, "Researchers, Archivists, and the Access Challenge of the FBI Records in the National Archives," *Midwestern Archivist* 11 (1986): 103-4.
33. For information about the legal rights problems see NARS, "FBI Appraisal Report," vol. 1, pp. 3-2 to 3-3.
34. While the front page of the sheet was the same for all cases, the back page was designed in four versions to accommodate the different types of FBI cases in the central records system: administrative, applicant, criminal, and security.

35. NARS, "FBI Appraisal Report," vol. 1, p. 3-8.
36. There is a real myth about the activities of the FBI. Although some of its work is of the "glamorous" nature, much of it involves investigations of routine crimes, e.g., stolen cars, theft of government property, and false entries in records of interstate carriers. For an interesting account explaining how the myth was developed and nurtured, see Richard Gid Powers, *G-Men: Hoover's FBI in American Popular Culture* (Carbondale and Edwardsville: Southern Illinois University Press, 1983).
37. NARS, "FBI Appraisal Report," vol. 1, p. 4-21. Table 4-11.
38. NARS, "FBI Appraisal Report," vol. 1, p. 3-7.
39. Although there were at least twenty-five million FBI case files created, including over eighteen million in the field offices, there were probably fewer than twelve million case files existing in 1981. It would appear, based on the data contained in volume 2 of the "FBI Appraisal Report," that at least half and possibly as many as 75 percent of the field files had been destroyed. A five million figure, cited in the May 1981 *SAA Newsletter*, is probably very close to the number of field files existing at that time; "FBI Field Files," 4. For a brief discussion of the FBI's records disposition program before 1981 see NARS, "FBI Appraisal Report," vol. 1, pp. 2-7 to 2-9.
40. These two classifications were established in 1921 as repositories for miscellaneous administrative files. The documentation is voluminous and varied, and thus the classifications are very heterogeneous in topics and significance.
41. The FBI establishes control files as another means of maintaining control of information and activities on specific subjects. They usually are set up in connection with various investigative activities such as gambling investigations, organized crime programs, political organizations under investigation, protection of the President, and any other topic needing control between the individual case files. Such control files often contain lists of other files, names of organizations, and correspondence files on a specific case that has drawn public attention.
42. There are about five hundred resident agencies. They do not normally maintain case files, but only serials relating to current cases.
43. NARS, "FBI Appraisal Report," vol. 1, pp. 4-6; 4-17, Table 4-6.
44. Hindus, Report, 62, 70-71, 80-81; NARS, "FBI Appraisal Report," vol. 1, pp. 3-9, 4-7.
45. NARS, "FBI Appraisal Report, vol. 1, pp. 4-7, 4-21.
46. Fourteen staff members voted on each appraisal recommendation. O'Neill and Dollar did not participate in the voting, and one task force member had left the project before the voting began.
47. In twenty-nine of the fifty-one classifications there were fewer than 1,000 case files. In sixteen there were between 1,000 and 10,000 case files, and in six, there were more than 10,000 case files.
48. In most instances when multi-sectioned cases were recommended for retention, the number of sections was defined as two sections (folders). In several instances, however, such as classifications 26 (Interstate Transportation of Stolen Motor Vehicles) and 91 (Bank Robbery), it took four or more sections to make a headquarters case permanent. With respect to the number of serials it took to make a headquarters case permanent, the range is between six and thirty. Some examples are six in classification 65 (Espionage); eight in classification 175 (Assaulting the President); and twenty in classification 200 (Foreign counterintelligence-[rest of series title classified]).
49. For a discussion of the evidential and informational samples see NARS, "FBI Appraisal Report," vol. 1, pp. 4-8 to 4-9, 5-1.
50. National Archives and Records Administration, "Final Plan for the Records of the Federal Bureau of Investigation, July 1, 1986," pp. 297-300.
51. Initially the task force prepared a list of forty-five criteria to capture "unnamed exceptional cases." That list was reduced to criteria that were quite specific, ones that an FBI employee could implement without exercising judgment. The court had criticized the criteria the National Archives had developed in 1977 for permanent retention as "excessively and unnecessarily vague." *American Friends Service Committee v. Webster*, 485 F.Supp. 231 (D.D.C. 1980). Subsequently, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit ruled that although there were some problems with the 1977 FBI headquarters schedule, "we do not find the schedule's criteria to be so vague as to be 'arbitrary and capricious.' The criteria provide sensible guidance to agency personnel who are supposed to be sensitive to archival and historical values." Opinion, 30 September 1983, *American Friends Service Committee v. Webster* (D.C. Cir.), 75.

52. The other specific criteria included: Bureau specials, major cases, Bureau-identified test cases and field office designated historical files; all control files other than 0 files; code name or code word captioned cases; all cases retained in whole in the headquarters special file room; all cases in headquarters that have one or more files of clippings; the main file of the ten most wanted criminals; subjects (principals) of FBI electronic surveillance as identified in ELSUR index; all files in headquarters containing twenty or more sections; in the "office of origin," all files containing thirty-five or more sections and their headquarters correlates; and in auxiliary offices, all files containing fifty or more sections and their correlates in the "office of origin" and headquarters. NARS, "FBI Appraisal Report," vol. 1, pp. 5-3 to 5-4.
53. NARS, "FBI Appraisal Report," vol. 1, p. 3-2; vol. 2, Appendix D.
54. NARS, "FBI Appraisal Report," vol. 1, p. 4-9. Besides the 300,000 cubic feet of case files, over 200,000 cubic feet of other records were appraised.
55. NARS, "FBI Appraisal Report," vol. 2, Appendix A. In August the task force reviewed headquarters personnel, budget, machine-readable, and nontextual records.
56. One group of consultants was taken over to the FBI building and given the opportunity, with the permission of the attorney general, of looking at eleven FBI case files. With the exception of security classified material, they saw the same material reviewed by the task force. They also observed how a data collection sheet was filled out and why a case file received the research value rating it did. Files were selected to demonstrate high, medium, low, and no research potential.
57. For a discussion of the role the consultants played in the appraisal see NARS, "FBI Appraisal Report," vol. 2, Appendix D.
58. In cases involving informants it was decided to postpone making a decision. For a detailed discussion of when FBI records will be accessioned by the National Archives see NARS, "FBI Appraisal Report," vol. 1, p. 5-5.
59. Order, 9 June 1981, *American Friends Service Committee v. Webster* (D.D.C.), 4. Because of some minor errors, a revised report was submitted to the court on 8 January 1982.
60. "FBI Appraisal Submitted," *SAA Newsletter* (January 1982): 2; F. Gerald Ham, review of the FBI appraisal report, in *American Archivist* 45 (Fall 1982): 476; Athan G. Theoharis, "The National Archives and FBI Records," 255.
61. Robert E. Taylor, "Activist Jurist: Judge Harold Greene Finds Reputation Tied Closely to AT&T Case," *Wall Street Journal*, 8 December 1983, 1, 21; Caroline E. Mayer, "Some Seek Ouster of Phone Industry's 'Reluctant Czar'" *Washington Post*, 2 December 1984, F3.
62. In 1983 the federal government appealed the case to the U.S. Court of Appeals for the District of Columbia Circuit in hopes of having, among other things, the question of standing resolved. A three-judge panel of that court ruled that the plaintiffs had the right to standing and ordered the case back to the U.S. District Court. In doing so, the panel stated that it did not believe the court was "called upon to second-guess NARS' reasoned judgment" but that it could "and should . . . review records disposal plans to determine if there is a rational basis for the . . . decisions on how to deal with files of such obvious interest." Opinion, 30 September 1983, *American Friends Service Committee v. Webster* (D.C. Cir.), 26.
63. Judge Harold Greene's Memorandum, 20 December 1985, *American Friends Service Committee v. Webster* (D.D.C.), 1-4.
64. The court was informed that the National Archives was amending its plan, but it "has not revised or otherwise amended its prior determination that there is no archival basis for these amendments. However, in the interests of bringing this protracted litigation to a close and relieving the FBI from its enormous administrative burden in warehousing records which otherwise should be destroyed pursuant to the plan, defendants have decided not to seek further review of the amendments ordered by the Court." Department of Justice Memorandum in Support of Defendants' Motion for Clarification or, in the Alternative, Modification, 1 July 1986, *American Friends Service Committee v. Webster* (D.C.C.), 1, n. 1.
65. Order, 8 September 1986, *American Friends Service Committee v. Webster* (D.D.C.).
66. Leonard Rapport, "In the Valley of Decision: What to do about the Multitude of Files of Quasi Cases," *American Archivist* 48 (Spring 1985): 189.
67. T.R. Schellenberg, *Modern Archives: Principles and Techniques* (Chicago: The University of Chicago Press, 1956), 152.
68. Judge Harold Greene's Memorandum, 8 September 1986, *American Friends Service Committee v. Webster* (D.D.C.), 3.