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**Date:** February 23, 2018  
**Appraiser:** Jeremy P. Schmidt, ACR1  
**Agency:** Federal Bureau of Investigation (FBI)  
**Subject:** DAA-0065-2018-0002

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2/24/18

## INTRODUCTION

### Schedule Overview

Racketeer Influenced and Corrupt Organizations (Classification 183)

### Additional Background Information

This classification was established by the FBI on October 9, 1970, following the passage of the Organized Crime Control Act of 1970 (18 USC 96). This act prohibits acquisition of a legitimate business enterprise with funds derived from illegal activity; acquisition, maintenance, or control of a business enterprise by illegal activity; and using a business enterprise (including government entities) to conduct an illegal activity.

This classification is an important source of records for the study of organized crime, particularly as it relates to legitimate business and public officials. Most of the cases relate to narcotics, arson, gambling, labor unions, corruption of public officials and police officers, and organized crime involvement in legitimate businesses. To a lesser degree, the cases involved extortion, murder, pornography, loan sharking, fraud, prostitution, theft and sale of stolen property, hijacking, smuggling cigarettes, and embezzlement.

This schedule covers pre-Universal Case File Number (pre-UCFN) headquarters classification 183 investigative case files only. Pre-UCFN headquarters case files in this class were created between 1970 and 1991. UCFN case files in this class are scheduled under N1-065-04-004. The Universal Case File Number (UCFN) was implemented so that each office working the same investigation would refer to the investigation through the use of one file number. The office initiating the investigation, or the Office of Origin (OO), generates a unique file number. This number consists of a classification, an OO designator, and a unique case number used to identify the investigation. The classification is an internal code number denoting the type of Federal offense within the FBI's jurisdiction (e.g., classification 183 referenced in this document), and the OO is the two character designator signifying the Division initiating the investigation based on the geographical location of the alleged violation. The unique case number is a sequential number generated by the OO. The initiating office is generally the OO, and offices outside the

geographical location assisting in the investigation are considered Auxiliary Offices. Previously, under the Pre-UCFN system, headquarters and fields offices assigned their own numbers to the same case; thus, case numbers varied from office to office.

The pre-UCFN investigative case files filed in this classification were originally scheduled (NC1-065-82-004) as part permanent and part temporary. The permanent case files include the following retention categories: systematic information sample, multi-section cases (more than one folder), cases with 30 or more serials (registered documents), and cases corresponding to office of origin (field office with primary investigative authority over the case) cases identified as permanent. All other cases files were scheduled as temporary.

The FBI submitted the present schedule (DAA-0065-2018-0002) at the request of the National Archives (NARA) to propose the elimination of the systematic information sample for this classification. From examination of a sample set of case files (described further below), I have determined that a sample is unnecessary for this classification. The purpose of the sample, according to the original appraisal of this classification was to “provide information on the variety of organized crime activity investigated by the Bureau.” Samples for FBI classifications, in general, allow for the preservation a large enough pool of records to provide sufficient historical evidence. I have determined that retaining only as permanent those cases covered by the retention categories from the original schedule, aside from the sample, would be sufficient to document the variety of crimes investigated by the FBI. Also, the proposed permanent retention categories account for a large number of cases (at least 3030, or 23% of the total number of cases), and would provide substantial documentation on this topic. (The actual percentage would likely be slightly higher to account for single-section cases with 30 or more serials. The number of cases that meet this criteria is not easily determined, but based on the sample that I examined, a good estimate percentage is 6%). The estimated volume of records deemed permanent is roughly 400 cubic feet. Classification 183 headquarters records total approximately 760 cubic feet.

The reevaluation of this classification resulted from the FBI notifying NARA that the schedule required a sample of 1,500 cases from this classification to cover the years 1970 through 1977, although only 1,473 cases files were created from that time period. Whether this was error in the report is unclear, although the appraisal report stated that, in general, systematic information samples should contain a minimum of 1,500 cases. The original appraisers did not provide a justification for this number, and this appraiser does not have a justification for sustaining this requirement. For the post-1977 period, the schedule stated that NARA would determine the appropriate sample sizes. NARA adopted the sample continuation agreement with the FBI, which makes the sample percentage the same for the post-1977 period as it was for the pre-1978 period. In the case of classification 183, then, the post-1977 sample size would be 100%. Since the original appraisal of this classification determined that 80% of the cases had no or low historical value, it seemed appropriate to re-appraise these records, particularly given the large volume of records associated with classification.

I reviewed a sample of 102 headquarters cases (out of a total of 12,971 cases, or 0.8% of the total number of cases). 60 of these cases (59%) were multi-section cases or had 30 or more serials. For all cases reviewed, 4 cases were rated high (4%), 25 medium (25%), 36 low (35%), and 37

none (36%). The appraisal rating standards used were the same as the ones employed in the original appraisal of this classification. A “high” rating was defined as evidence or information that is unique and of such substantive detail and richness that the case file stands alone as a primary historical source. A “medium” rating was defined as evidence or information that is sufficiently rich that the case file significantly complements other historical sources. A “low” rating was defined as evidence or information so lacking in detail and richness that it is only a modest supplement to other historical sources and the case file has significance only in the context of other case files in the same classification. A “none” was defined as evidence or information so ordinary and routine that the case file has no significance as a historical source even in the context of other case files in the same classification.

All of the cases, except for two (2%), rated medium or high were multi-section cases or had 30 or more serials, and thus would be captured as permanent records. 12 cases (12%) were rated as low or none, but since they are multi-section cases or had 30 or more serials would be captured as permanent records. To capture missed medium or high rated cases, the serial threshold would need to be reduced, but would result in capturing a large number of cases rated low or none. Likewise, to eliminate those cases rated low or none, but captured as permanent records because they met the serial threshold, would require raising the serial threshold, and would result in additional cases rated as medium or high being excluded from captured as permanent records. I, therefore, recommend continuing with the original serial threshold of 30.

Multi-section criteria was a good indicator of value; only 9 of the 60 multi-section cases (15%) were rated low or none. I, therefore, recommend that all multi-section cases continue to be deemed permanent records. The retention category of “cases corresponding to office of origin” was included because the documentation of the cases in the field offices was more substantial than was sent to headquarters. This assessment by the original appraisers stands without reconsideration.

As mentioned above, classification 183 case files were originally scheduled by NC1-065-82-004, a schedule that resulted from a court order in the case *American Friends Service Committee, et al. v. William H. Webster, et al.*, tried in the United States District Court for the District of Columbia (Civ. A. No. 79-1655). The presiding judge in the case, Harold H. Greene, wrote in a memorandum, dated September 8, 1986, that “[a] document of this magnitude must be flexible enough to accommodate changing circumstances, and the Court therefore considers it proper that NARS [now NARA] and the FBI will adjust the plan from time to time. The Court, of course, expects that none of the changes will alter the basic thrust of the document as it has been developed pursuant to the Court’s directions.” Judge Greene was very much concerned at the time of his decision that the National Archives could not perform its appraisal activities due to lack of access to FBI files for examination in the course of appraisal conducted by the Archives’ staff. The thrust of his decision is that access to the records should be provided to the National Archives. Following examination, Judge Greene wrote in his decision, “[the National Archives] might, for example, designate those categories of records within the FBI’s classification system which have obvious historical value, for preservation *in toto*. With respect to other categories, records might be preserved on a more selective basis. Still other categories of records might be marked for disposal after Archives personnel become convinced, following a personal inspection of typical files, that they lack special historical or other value.”

On July 15, 2014, representatives from NARA and the Department of Justice (DoJ) met and DoJ determined that DoJ and the Court do not have a role in rescheduling, but any changes should be legally defensible. The proposed change to the scheduling of this classification is consistent with the basic thrust of the Court's decision in that appraisal was conducted by a NARA appraisal archivist with unfettered access to case files in this classification, and that archivist made a sound professional recommendation without any influence by the FBI.

Further, it is significant to note that the original schedule has been modified multiple times since its approval. Most notably, under the N1-065-87-011 schedule, samples were eliminated from the following classifications: 6 (Interstate Transportation of Strikebreakers); 8 (Migratory Bird Act); 10 (Red Cross Act); 12 (Narcotics); 33 (Uniform Crime Reporting); 60 (Anti-Trust); 69 (Contempt of Court); 71 (Bills of Lading Act); 156 (Employee Retirement Income Security Act); and 185 (Protection of Foreign Officials and Official Guests of the United States). Also, classification 190 (Freedom of Information / Privacy Act) was completely rescheduled under DAA-0065-2015-0006.

### **Overall Recommendation**

I recommend approval with proposed changes to one or more items, as provided below.

### **APPRAISAL**

*Proposed Changes to both items 0001 and 0002:* In the "Explanation of Limitation" field, the statement: "Electronic records are impacted by a separate records control schedule." will be deleted and an exclusionary statement will be added to the "Background Information" section that states that the schedule excludes records in the Automated Case Support System, which is covered by the N1-065-10-040 schedule. This change will centralize all of the schedule's exclusionary statements in the "Background Information" section, and will allow for elaboration on this exclusion.

The questions "Do any of the records covered by this item currently exist in electronic format(s) other than email and word processing?" and "Do any of the records covered by this item exist as structured electronic data?" will have their responses changed to "No", since all records covered by this schedule are in analog media.

The superseded authority "NC1-065-82-004 / B/183/b" (systematic informational sample) will be listed under item 0002 rather than item 0001. This is because the sample set of case files is formed first and includes case files that would otherwise be captured as permanent by the other permanent criteria specified on the original schedule (multi-section cases, etc.). With the elimination of the sample, all of the case files that would have been in the sample because they met the permanent criteria, will still be captured as permanent, covered by 0001, and those that would not have met the permanent criteria will be covered by item 0002 on this schedule.

**Item 0001: Racketeer Influenced and Corrupt Organizations Case Files (Classification 183): Multi-Section Cases, Cases with 30 Serials or more, and Cases Responsive to Office of Origin Retained Cases.**

Note that the date span of the initial transfer of records to the National Archives specified on the schedule refers to the case file opening date.

**Proposed Disposition:** Permanent

**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:**

- \* Previously approved as permanent. [Racketeer Influenced and Corrupt Organizations Case Files (NC1-065-82-004 / B/183c, d, and e]
- \* High potential research value.
- \* Documents the national experience.
- \* Related to other permanent records. [Department of Justice Litigation Case Files: Class 123 - Anti-Racketeering Act (N1-060-88-010 / 123/a)]

**Adequacy of Proposed Transfer Instructions:** Appropriate

**Media Neutrality:** Not Approved. This is a closed series of records that exists only in analog media. The agency did not request media neutrality and intends to transfer these records to NARA in analog media only.

**Item 0002: Racketeer Influenced and Corrupt Organizations Case Files (Classification 183): All Other Case Files**

**Proposed Disposition:** Temporary

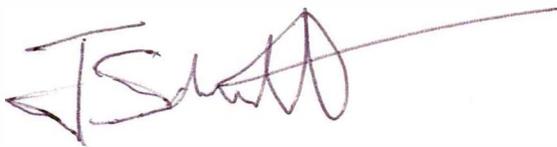
**Appropriateness of Proposed Disposition:** Appropriate

**Appraisal Justification:** [Include at least one of the following categories]

- \* Previously approved as temporary. Racketeer Influenced and Corrupt Organizations Case Files (NC1-065-82-004 / B/183b and f]
- \* Has little or no research value.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability.

**Media Neutrality:** Not Approved. This is a closed series of records that exists only in analog media.



JEREMY P. SCHMIDT  
Appraiser