

# Files destroyed despite ACLU "understanding"

The security files taken from Chief of Security Paul Cress's office were destroyed Nov. 20, as originally announced by the administration. Files of individuals who requested in writing to not have their files destroyed were not destroyed.

Benson A. Wolman, a board member of the American Civil Liberties Union of Ohio, says the destruction of the files was

accomplished contrary to an understanding the ACLU had with the University's attorney John Ingram.

On Tuesday, Nov. 19, Ingram says he and ACLU attorney Mike Harshman met to discuss the telegram which was sent to the administration by the state ACLU office.

In that meeting, Ingram says he told Harshman that he would

recommend to the administration that the files not be destroyed. He would also recommend that a certified letter be sent to all individuals mentioned in the files, informing them of the existence of files on them.

Ingram says he did take his recommendations to the administration that same day.

Later that same day Harshman telephoned Ingram. Ingram said the administration had not yet made a decision to his knowledge. Harshman requested that Ingram inform him if the administration decided to destroy the files as planned. Ingram says he agreed to

do so.

The files were destroyed Wednesday early in the morning. Ingram says he was informed of the decision to destroy the files just as the act was about to be done. He did not notify Harshman of the decision.

Ingram says he did not inform Harshman because he "couldn't see any reason. Harshman is not a part of the academic community; he is not directly involved."

Ingram said that he had not been informed at the time of his original conversation with Harshman Tuesday, whether or not Harshman was representing

any client at the University.

Wolman said to *The Jambor* Thursday evening that the University's failure to keep the ACLU informed of its intention represented "double-dealing at its worst." He said the University "has shown no good faith whatsoever," and the word of the University is no longer good, since it was the ACLU's understanding from its dealings with Ingram that either the University would not destroy the files, or else the ACLU would be informed to the contrary.

He says that if the ACLU had  
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known that the files would indeed be destroyed, it would have filed a restraining order.

Hashman says, referring to the administration's action in destroying the files, "the possibility of destruction of evidence exists." He explained that the possibility exists that the crime of destruction of evidence was committed in the destruction of the files.

Wolman says the ACLU is researching the possibility of litigation. He added that if litigation is undertaken it will "attempt to hold accountable all persons in the chain of responsibility."

When asked about the decision to destroy the files, Ingram said "personally I think the administration made the right decision."

Dr. Coffelt said yesterday that all "records, cards, pictures, tapes, photographs, and newspaper clippings in the files taken from Mr. Cress's office were destroyed on Nov. 20, with the exception of those we were requested in writing to retain by individuals whose names were in the files, or their authorized agents."

The files were burned by Vice President Joseph Rook, with "the Board's counsel" and Coffelt as witnesses, Coffelt said.

No certified letters were sent

to individuals, as was requested by the ACLU.

Coffelt said that Rook and Cress "wanted to inventory the office contents for a second time."

Coffelt said, "I have been advised that there are some 8"x10" glossy photographs remaining in the files of Mr. Cress. However, none of these are 'unconstitutional.' They are photos of wrecked automobiles, damaged property, and other similar scenes which are used either in teaching his class or relate to investigations of illegal acts on campus. We have been assured by the Board's attorney that they are in no way illegal or unconstitutional.

Coffelt said that in the second inventory conducted by Rook and Cress, a photograph was found which had originally escaped notice. It depicted Dr. Sidney Roberts of History participating in a demonstration, said Coffelt.

When asked if he knew of any pending court action, Coffelt said "I have been advised by a Columbus attorney that he has been requested to bring legal action on behalf of a University professor. All relevant information in the file has been retained and will be available to both the professor and legal counsel.

Coffelt said the University will continue to seek the files which the Rook report reported missing. He said this will be done, "because the University has an

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obligation to protest the rights and privacy of those individuals who were the subject of materials which apparently were taken from the security office.”

Referring also to the missing files, Harshman said, “I request that those individuals who possess the so-called missing files have a copy made of each individual file and send it to the person concerned.” He added that no return address would be necessary.