



NEWS RELEASE

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California Secretary of State, State Archives and UC Berkeley's Bancroft Library Ensure Public Access to Historic Crime Records

SACRAMENTO - California Secretary of State Alex Padilla, the California State Archives, and the University of California, Berkeley, Bancroft Library announce that the public now has access to historic records of a 1940s and 1950s "Special Crime Study Commission on Organized Crime in California" appointed by Governor Earl Warren to address the growth of organized crime. The Commission made recommendations to address gambling, bribery of public officials, racketeering, horseracing, narcotics, illegal liquor sales, abortion, prostitution, and other crimes. The Special Crime Study Commission on Organized Crime records are now available to readers at the Bancroft Library.

In late 2015, the Secretary of State and the State Archives took action under a 2009 replevin statute to ensure that the Crime Commission records would be accessible to the public. This effort followed a separate lawsuit by the Reporters Committee for Freedom of the Press against the University of California, seeking disclosure of the Crime Commission records under the California Public Records Act. The University of California disputes the applicability of the replevin statute to the records, or that the treatment of the collection violated the Public Records Act, but, in response to the Secretary of State's and State Archivist's request, moved to open the records to public access.

The replevin statute authorizes the State Archivist and the Secretary of State to seek return or transfer of California public records to the State Archives or another appropriate state or local agency when the records have been removed from a state or local agency. Under the statute, the Secretary of State is authorized to enforce the law through litigation handled by the Attorney General. Records subject to the replevin law encompass all records belonging to the state or local agencies. The "safe harbor" provision of the law allows other institutions to keep records that otherwise must be returned or transferred—but only if they are preserved according to professional archival standards and are made available to the public as required by the Public Records Act.

The Special Crime Study Commission documents were donated in 1975 by Warren Olney III, who had been chief counsel for the Commission at the time it was disbanded in 1953, and the donation was made with written agreement by the University that the collection would be

retained in such a manner as to protect the privacy of the individuals named in the files. The identity of women accused of having engaged in prostitution and those suspected of having sought or obtained abortions has been redacted from the records in order to protect the privacy of any such individuals.

“I applaud the UC’s recent efforts agreeing to provide public access to the Special Crime Study Commission records,” said Secretary of State Padilla. “The people of California should have access to these records that document an important time in state history.”

“Access to public records and preservation of those records have been cornerstones of state law dating back to the first law enacted in California in 1850,” said State Archivist Nancy Lenoil, Chief of the Archives Division of the Secretary of State’s office.

The Bancroft Library is one of the largest and most heavily used libraries of manuscripts, rare books, and unique materials in the United States. “We are pleased to have reached an agreement that allows for more immediate public access to these important documents while also ensuring that the privacy of those identified in the records has been protected for more than 50 years and that the collection remains at the historic Bancroft Library in accordance with the donor’s written intention,” said Elaine Tennant, director of the library. The Library, following its understanding of the National Archives’ standards, had initially closed the collection for 75 years.

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