



Bob Gale

# F.B.I. Informants

By Carl Stern

WASHINGTON — The Federal Bureau of Investigation has repeatedly claimed that the Freedom of Information Act has "dried up" its sources. Director William H. Webster, asserting that the act has cost his agency hundreds of informants, says that they have become "an endangered species."

True? To find out, NBC News, using the Freedom of Information act, obtained the F.B.I.'s own files on the act. They tell a dramatically different story.

The files show that in 1979 and 1980, the Bureau conducted a 19-month study to demonstrate that public access to some F.B.I. files had drastically reduced public willingness to confide in the F.B.I. However, the "impact study," as it was called, was abruptly canceled by Mr. Webster in August 1980 after monthly reports required of each of the 59 field offices failed to show a significant erosion in

the Bureau's ability to acquire information.

The files disclose that in the 19 months, 7,000 F.B.I. agents documented only 19 instances of informants, or potential informants, refusing to provide information, or furnishing less information, because they feared that their identities would be disclosed. One a month, nationwide!

No harm was reported to any informant as a result of use of the act, and there was only one case in which agents believed that an informant was endangered because of released documents.

During an average month, 91 percent of the field offices reported that they had no difficulty obtaining information from the public because of the Freedom of Information Act.

In the 19 months, agents described only 42 instances in which they believed that the general public refused to provide information because people feared that they would be identified.

The 19 instances that we counted as "informants lost" included a report from the Kansas City, Mo., field office that an informant displayed concern about the Freedom of Information Act and became "inhibited at times." In another case, a person who claimed to know about fraud against the Government refused to furnish information for fear that her name might be given out by mistake—and, in fact, the files revealed that on two occasions the Bu-

reau negligently disclosed the identity of informants in responding to Freedom of Information Act requests for documents.

The F.B.I. study totaled more than 2,000 pages. The Bureau withheld 29 pages and blacked out portions of others. Periodic summaries, prepared for officials who were monitoring the study, indicate that the withheld material contained no significant number of additional adverse experiences.

Many field offices reported problems in getting banks, credit firms, employers, schools, utilities, and public agencies to hand over records without written authorization. However, such difficulties were attributed to state and Federal privacy regulations, not the Freedom of Information Act.

In one case, the Philadelphia field office erroneously told sources of information that their names could not be kept secret under the act. In another, a Minneapolis informant said he stopped supplying information after he read comments by Director Webster in Newsweek magazine decrying disclosures under the act. A Richmond, Va., F.B.I. official attributed a drop in the number of informants to "abandonment of informant quotas." F.B.I. agents in Los Angeles complained that the Food and Drug Administration required them to use the Freedom of Information Act to find out where counterfeit parts used in heart surgery were coming from, and that it

took so long to obtain information under the act that, in the meantime, a patient died.

When Mr. Webster ended the monthly reporting requirement in 1980, he instructed field offices to continue to report adverse experiences as they occurred. In the six months that followed, only six of the 59 offices submitted reports. Those reports assert that one source discontinued his services because of fear that his identity would be disclosed. Nationwide, only two persons declined to be interviewed for that reason.

Almost two years earlier, when Mr. Webster ordered the "impact study" begun, he said it was "imperative" that he have "timely and complete documentation" to present to Congress. At another point, during an effort to acquire cases "representative" of the negative impact of the act, he urged every field office to make an aggressive effort "in stimulating documentation."

Now, Mr. Webster possesses the documentation. But he has not disclosed the statistics to Congress, where the F.B.I. is seeking to weaken the act. The reason may be that his frequent statements that the Freedom of Information Act is seriously injuring the Federal Bureau of Investigation are contradicted by his own study.

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