

Court Rejects FBI Blanket Secrecy Rule

Source Confidentiality Must Go Case-by-Case

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A unanimous Supreme Court yesterday rejected a government request for an across-the-board rule that the FBI can keep secret the identities of all sources in criminal investigations.

In a case dealing with disclosure under the federal Freedom of Information Act, the high court ruled that a source cannot automatically be considered confidential whenever the FBI gets information during a criminal investigation.

Justice Sandra Day O'Connor said in the court's 15-page opinion that the narrowly defined circumstances of the case must provide the basis for determining whether a source was deemed confidential and thus exempt from disclosure.

"For example, it is reasonable to infer that paid informants normally expect their cooperation with the FBI to be kept confidential," she said.

"Similarly, the character of the crime at issue and the source's relation to the crime may be relevant to determining whether a source cooperated with the FBI with an implied assurance of confidentiality," O'Connor said.

The case before the high court stemmed from a request for information from the FBI by Vincent Landano, who had been convicted of killing a New Jersey policeman during a 1976 robbery.

He had filed the request with the FBI, which had helped investigate the killing, for its files in the case in the hope of finding evidence that would support his claims of inno-

cence.

In the several hundred pages that the FBI turned over to Landano, much of it was blacked out while the law enforcement agency withheld altogether several hundred other pages—apparently to "protect" its sources.

In other action yesterday, the Supreme Court denied an appeal by E. Robert Wallach, a close friend and adviser to former attorney general Edwin Meese III, seeking the dismissal of all charges against him in the Wedtech scandal.

The justices let stand a ruling by a U.S. Court of Appeals in New York rejecting Wallach's arguments that the theft and conspiracy charges must be thrown out on double-jeopardy grounds. The high court's action cleared the way for a retrial.

Wallach, 56, a San Francisco lawyer, was convicted in 1989 of accepting more than \$400,000 in illegal payments from Wedtech, a now-defunct Bronx defense contractor, to influence Meese on government contracts.

Meese, the attorney general under President Ronald Reagan, was never charged with any criminal wrongdoing in his extensive dealings with Wallach.