

Editor  
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To the Editor:

What is totally ignored in the Norman Dorsen-Ira Glasser/ACLU defense of its plan to exempt so-called operational files of the CIA from the Freedom of Information Act is the absolute certainty that it will encourage further anti-American domestic intelligence activities and provide a complete immunity bath for them and the multitudinous illegal CIA abuses of the past. Moreover, the certainty that all such acts will be kept secret is bound to lead the CIA to be even less restrained in its excesses.

The ACLU's position is that of liberals historically when they feared and faced reaction: compromise with reaction that, historically, served only to ~~strengthen~~ <sup>strengthen</sup> ~~reaction.~~ <sup>reaction.</sup>

It is probable that I have more experience in FOIA litigation than any other private person. Most of this experience has been with agencies like the FBI and CIA. It is uniform experience that, when the disclosure of information they regard as potentially embarrassing to them is sought they do not even by accident ever tell the truth, and that under oath, a felony for private persons but an immunity these agencies anticipate and enjoy before the courts. There just is no way that Congress can legislate any exemption of the operational files that the CIA will not contort into what will approximate total immunity for all records it does not want to disclose.

It also is my uniform experience that these agencies long ago set out on a campaign to make any use of FOIA cumbersome and expensive to all parties. They have artificially created enormous costs to the government and they steadfastly refuse to disclose nonexempt information to frustrate the Act while simultaneously greatly increasing the waste of government and court time and money.


The record is clear on this: I have never once in all my many FOIA lawsuits struck a dry well. These agencies always violate the law to withhold what they do not

want to disclose. However much they may ultimately be compelled to disclose, they always wind up withholding much information that is not exempt and is embarrassing to them.

With regard to any hope of speeding CIA compliance with FOIA up, this is less than wishful thinking. I have appeals that have not received final action after more than a decade (the law says 20 days) and requests going back to 1975 that remain without compliance, most entirely ignored. *under a 10-day law.*

While it is my experience that there simply is no way of keeping these people honest, at the present time they are compelled to release some of the embarrassing information they've been hiding. Give them any <sup>loophole</sup> loophole, no matter how small, and they'll squeeze everything they want to hide through it - in perpetuity.

The existing exemptions provide all the protection for legitimately sensitive information that any agency requires. No amendment is necessary, none can or will speed the CIA up if it does not want to comply, and liberals are deceiving themselves and the nation while fâstering greater reaction and domestic illegalities if they support any additional exemptions. They will, in fact, be contributing to a police state.



Harold Weisberg  
7627 Old Receiver Rd.  
Frederick, MD 21701

FYI- FOIA's investigatory-files exemption was amended in 1974 to compel such disclosures over one of the earliest of my FOIA suits, which disclosed the kinds of abuses I refer to to the Congress. The agencies have been whittling away at the Act ever since.