

Post 8/11/78

Underworld Figure Tells of Misusing Freedom of Information Act Requests

By Jay Perkins
Associated Press

A convicted loan shark testified yesterday that he used the Freedom of Information Act to tie up law enforcement officers and to find out what the government knew about him and where they were getting the information.

Gary Bowdach told the Senate permanent subcommittee on investigations that although he never was able to identify the informants who were supplying information in his case, he was able to identify the informant on one of his friends.

Asked what happened to that informant, he said he did not know. But he added that judging from the comment of his friends, "I don't expect him to be living anymore."

Bowdach estimated that 50 percent of the legal motions such as habeas corpus he filed for himself were frivolous. He said about 75 per cent of the motions he filed for other inmates had no merit.

"Some were totally frivolous and were just to aggravate" the prosecutor who sent Bowdach to jail, he testi-

fied. "I would send him the [prosecutor] his copy directly.

"We basically tired to bog down the system, to tie up law enforcement officers and prosecutors. They would have to drop the cases they were working on. It just created total turmoil for them," he said.

Bowdach also said he used the Freedom of Information Act, which is designed to open non-confidential government records to the inspection of private citizens, "to determine whether that agency had any pending investigation" that might involve him.

In the case of one request where he said an informant was identified, Bowdach said the name of the person had not been completely deleted. He said the inmates were able to identify one letter in that name. They measured the size of the deletion and "backspaced to see how many other letters were left in the name."

Bowdach also noted that even documents that completely deleted the name of an informant often could prove valuable to inmates seeking to identify the person.

"If I knew I met with you in a res-

taurant in Miami and I got a report that said a confidential informant who met with Bowdach at a restaurant on a certain date said something, I wouldn't need to know your name," he said.

Sen. Sam Nunn (D-Ga.), chairman of the investigations subcommittee, had said earlier that he believed criminals were using the Freedom of Information Act for such purposes.

Bowdach, who served four years in prison, was testifying for the fifth day before the panel. In earlier appearances he detailed his life in organized crime and in the Atlanta federal penitentiary. An official of the FBI said in a telephone interview Wednesday that "quite a few" requests for information on what the FBI files have on an individual come from prison inmates.

The general procedure now is for a fellow to check into prison, get his grays [uniform], tin cup and privacy act request forms," joked Al McCreight, the deputy assistant director in charge of the FBI's freedom of information branch.