

2/5/78

Mr. Robert Gilroy, Assistant Director
Logistics and Communications Division
GAO, Room 5814
441 G St., NW
Washington, D.C. 20548

Dear Mr. Gilroy,

Having just heard that you have been asked to look into whether FOIA has interfered with law enforcement proceedings I am remind of what I forgot when I was taken ill. Mr. Tim Ingram, who had been staff director of the House FOIA committee, asked me to get in touch with GAO to give it an understanding of the extraordinary waste of government time and money in contesting FOIA requests and cases that should have been responded to without any question at all.

My personal experience has been quite extensive, as you may know if you are familiar with the cases filed in Washington and with the debates on the 1974 amendments to the Act.

The law enforcement exemption is invoked regularly and frivolously in my cases. In no single instance, and I have read so many thousands of pages even estimating their total would be difficult, have I seen any danger to law enforcement efforts.

What I have seen is the fantastic waste of time and money in a continuing determination not to live within the law, not to risk the embarrassment that withheld records hold.

With me it has not ended with the amending of the Act. My records and those of the courts leave no doubt. Nor is there any doubt that as of this moment large amounts of time and money continue to be wasted in continuing efforts to frustrate the Act and to compile phoney statistics to be used to persuade the Congress to amend the Act so that its purposes cannot be served, thus, I believe, posing a danger to free society and citizen possibility of correcting official wrongdoing.

As a recent and modest example I enclose the decision in the last case. There is little reasonable doubt that I more than meet the standards for the waiving of fees. But more than the cost of providing the records was wasted in an effort to deny them.

From my experiences, with the Act and as an investigative reporter with prior federal investigative and intelligence experience, the present Act is a major force for good government -and for reducing waste in government.

If there is any way in which I can help, please call upon me. I am only a little more than an hour from your office. I would welcome a visit and questioning so GAO might know the actualities. I would be more than willing to have an interview tape recorded. If you would like to speak to my counsel, he is Mr. Jim Lesar, Suite 600, 910 16 St., NW, phone 223-5587.

If some of the people who seem to be building successful careers through aborting the Act were held to account, great sums of money could be saved. If official resistance ever comes to an end the saving of time within the Department of Justice will do more to help law enforcement than an occasional slip by use of the Act can possibly impair it.

Sincerely,

Order in C.A. 77-2155 enc.

Harold Weisberg



NATIONAL COMMISSION ON LAW ENFORCEMENT AND SOCIAL JUSTICE

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Barclay Bean

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MEMORANDUM TO: Those Concerned

DATE: January 26, 1978

FROM: Barclay Bean
NCLE

SUBJECT: GAO FOI Investigation

I recently contacted the GAO on a lead that they were conducting a new FOI study. Mr. Robert Gilroy, Assistant Director of the Logistics and Communications Division, told me that they had a request from Senator Eastland to see whether law enforcement proceedings were being hampered by the requirements of FOI.

It seems to me that this is the start of a move to weaken the Act, such as the McGuire Bill in 1976 (HR 12975).

I told Gilroy of some of the abuses we have encountered, how claiming a law enforcement investigation is in progress is often an excuse to avoid releasing embarrassing information, and how the DEA told us in one case, that several entire law enforcement agencies were "confidential sources."

I have sent him information along these lines, and am also sending him some specific cases, which he said he would like to have. (b)(7) cases would be most appropriate, of course.

I feel it is important that as much as possible is done to show that this "problem" the government is having is a smokescreen to hide their own bad faith. Information can be sent to Gilroy, or the Director -- Fred Shafer -- at this address:

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General Accounting Office - Room 5814
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National Chairman--Jeff Friedman

Director of Research--Vaughn Young

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