

0-31-78 Freedom of Information at the FBI 02

In the Nov. 29 Post, Kevin O'Donnell of the National Commission on Law Enforcement and Social Justice offered certain comments concerning a proposed moratorium on access to FBI files and submitted other opinions concerning the FBI's handling of Freedom of Information Act requests [Letters]. The purpose of this letter is to address two points raised by Mr. O'Donnell.

First, Mr. O'Donnell apparently

missed the point of Director Webster's remarks concerning a proposed moratorium on access to FBI files under the Freedom of Information Act. Mr. O'Donnell states that there is "little or no evidence" that the current law is adversely affecting law-enforcement capabilities. Contrary to his conclusion, there is well-documented reluctance on the part of vital sources of information to continue their cooperation with the FBI because of the disclosure provisions of the Freedom of Information Act. It is recognized human error in disclosing the identities of confidential sources is a possibility; however, the more serious concerns are the sources' perceptions of the legislation and the chilling effect widely publicized Freedom of Information Act and civil discovery releases have had upon these sources. As evidenced by our efforts to implement this legislation, the FBI has no quarrel with openness. It is not believed, however, that the American public expects the most important investigative tool of its law-enforcement agencies to be unnecessarily sacrificed.

Second, Mr. O'Donnell accused the FBI of wasting time and avoiding compliance with simple Freedom of Information Act requests. This is rhetorical nonsense, which has no basis in fact. On April 10, the General Accounting Office released a report entitled "Timeliness and Completeness of FBI Responses to Requests Under the Freedom of Information Act and Privacy Act Have Improved." In that report, GAO not only recognized that the FBI's efforts to effectively implement this legislation have been substantial, but also noted certain weaknesses in the legislation. Moreover, the National Commission on Law Enforcement and Social Justice itself has utilized the access provisions of the Freedom of Information Act to obtain nearly 2,000 pages of documents from the FBI.

The foregoing factors hardly support Mr. O'Donnell's unjustified criticism of the FBI.

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