

WAPost

MAY 29 1975

# Officials Complain of Information Act Demands

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A year ago, to hear Justice Department officials tell it, the Freedom of Information Act was a small, if somewhat unpleasant, impediment to the orderly process of government. Today, these officials say, the law has become a monster.

For the month of April, 1974 requests for information totaled about 50—2½ per working day. But in April, 1975, the number of requests increased to 2,684, or more than 100 per working day.

The Justice Department's experience with the law, changed last February to make it easier to get information quickly from the federal bureaucracy, is not unique. Officials in a variety of federal agencies—ranging from the Central Intelligence Agency to the Securities and Exchange Commission—complain that they are swamped with demands or are barely staying abreast of them.

"The administrative burdens of compliance with the act are enormous," Attorney General Edward H. Levi said in a speech last month in New York. "The demands for information have constantly increased."

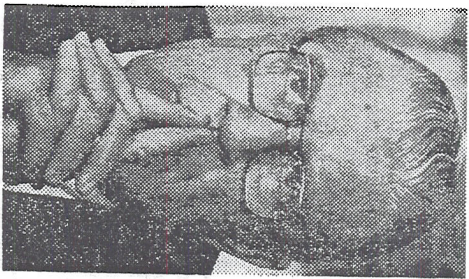
Consumer advocate Ralph Nader, whose efforts contributed to passage of the original law in 1966, answered Levi last week, charging that alleged "disruptions" to government business described by Levi and other government of-

ficials "are more imagined than real." Nader said the 1974 amendments to the law are attributable to abuses of the original law and the "arrogant disregard for freedom of information" by the federal bureaucracy.

Levi supports his contention by citing the FBI's experience with the law. When the FBI formed its Freedom of Information Act unit in October, 1973, to process requests, the unit consisted of three agents, three researchers, a secretary and a clerk. At that time, according to a memo from FBI Director Clarence M. Kelley to Levi, the FBI had received requests to review 185 files containing 27,750 pages. In April, 1974, an additional clerk-stenographer was added to the eight-person unit.

By July, 1974, Kelley's memo said, requests had increased to a point where at least 135,000 pages had to be reviewed. Six more persons—two agents and four researchers—were added to the unit, bringing the total to 15. The next month another clerk was brought in.

By December, 1974, Kelley anticipated that requests would require review of about 200,000 pages under a 10-day limit when the 1974 amendments would become effective on Feb. 19, 1975. So he added 10 more researchers and another clerk to the unit, bringing the total to 27. Kelley estimated that during the last quarter of 1973,



CLARENCE M. KELLEY  
... reports on requests

the FBI received about one request a day for information. In the first three months of 1975, the FBI received 705 requests. In April alone, the number of requests was 1,789—about 90 per working day.

To handle the requests now being received by the FBI, Kelley said, "It will be necessary to add 68 employees to that unit."

Susan M. Hauser, a staff assistant to Deputy Attorney General Harold Tyler, said more than 75 per cent of the requests made "are from citizens asking for their own files."

Despite the addition of employees, the FBI has not been able to meet the 10-day limit imposed by the 1974 amend-

ments for responding to a request. In many instances, the FBI has successfully asked persons requesting information to allow more time.

The 10-day rule, according to Mary Lawton, a deputy assistant attorney general, is "absolutely irrational. In some cases you can't even get through the material requested in 10 days."

But, she acknowledged, "part of the amendments we brought down on ourselves. Unfortunately, they arrived during the post-Watergate period" when public suspicion of government reached an unprecedented level. "Some agencies deliberately used delay to avoid the act," she said.

Even under the new amendments, which require that material requested be made available "promptly," delays are encountered. The law does not define what "promptly" means.

Reporters from several publications and news agencies filed a request last November with the Justice Department and the FBI for records relating to the counterintelligence program that the FBI conducted to disrupt left-wing and right-wing groups from 1956 to 1971.

Although Saxbe and Kelley soon agreed to the request, no records have been released.

In other instances, citizens requesting information have encountered prohibitively high expenses in getting the docu-

ments or information sought.

Janice Mendenhall, president of Federally Employed Women, asked the Civil Service Commission on April 30 for information about jobs exempted from the commission's requirement that positions should be open to men and women on an equal basis.

On May 15, she received a reply from the director of the commission's bureau of recruiting and examining, Wendell G. Mickle. After explaining that each of the commission's 65 offices is responsible for conducting examination and certification programs in its own area and that no central list of exemptions for one sex or the other is kept, Mickle said the commission would gather and supply the information requested at an estimated cost of \$39,500 that, he said, must be paid by Federally Employed Women. He asked for a 20 per cent deposit—roughly \$8,000.

Miss Mendenhall said later, "We're not going to pay \$39,000. That's out of the question."

The law allows agencies to charge for search and duplication of documents but not for the time spent reviewing documents to determine how much information can be revealed.

According to Ray Garrett Jr., chairman of the Securities and Exchange Commission, review of records is "the most costly step in the process." Garrett complained in a recent speech to the Society of

American Business Writers, pertinent to remember that the that the SEC does not have "the manpower we need for this work or the money to obtain it."

As a result, he said, the SEC has had to divert staff lawyers from "what we think is more substantive work, such as enforcement actions" in order to process Freedom of Information Act requests. But Nader argues, "It is im-

portant to remember that the executive branch made the bed in which it now finds itself. Congress did not enact the 1974 amendments willfully or in a fit of anti-executive emotion, but only after the rights guaranteed under the 1966 act had been systematically denied for eight long years, and a careful, complete record of the abuses of the 1966 act had been compiled."