Description of document:	**US Federal Bureau of Investigation (FBI) records on the Impact of Freedom Of Information / Privacy Acts on Law Enforcement Activities, 2004**
Released date:	07-September-2004
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Date/date range of document:	09-September-1977 – 17-July-1979
Source of document:	Federal Bureau of Investigation Record Information/Dissemination Section 170 Marcel Drive Winchester, VA 22602-4843

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

September 7, 2004

Request No.: 1004300- 000
Subject: IMPACT OF FREEDOM OF INFORMATION PRIVACY ACTS ON LAW ENFORCEMENT ACTIVITIES

This is in reference to your Freedom of Information Act (FOIA) request.

Enclosed are 204 pages of documents pertaining to your request and a copy of the explanation of exemptions.

You may submit an appeal from any denial contained herein by writing to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosures-2

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compil by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

k)(4) required by statute to be maintained and used solely as statistical records;

k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who rnished information pursuant to a promise that his/her identity would be held in confidence;

c)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

c)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FD-36 (Rev 7-27-76)

FBI DOC

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
[X] Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

Date 9/9/77

TO: DIRECTOR, FBI
ATTENTION: FIELD COORDINATION,
APPEALS AND CORRECTIONS UNIT,
RECORDS MANAGEMENT DIVISION
FOIPA BRANCH

FROM: SAC, BUTTE

SUBJECT: ~~FREEDOM OF INFORMATION-PRIVACY ACTS (FOIPA)~~
ADVERSE IMPACT ON FIELD OPERATIONS

ReBuairtel 8/16/77.

Personnel of the Butte Division have been surveyed and the majority encountered no problems caused by FOIPA. Five Agents indicated that they had encountered more reluctance to furnish information from other state and local agencies than they had experienced prior to the passage of the FOIPA and reasons given were that it was questionable whether the confidential nature of the identity of the persons giving the information could be maintained by the FBI. This reluctance was experienced particularly in not being able to obtain basic information from such institutions as banks, credit unions, and utility companies. Some of these private companies expressed reluctance to furnish even background or address information for fear the company would be libel to civil suit. It was the concensus of the Agents that in many instances the information could be obtained, but through the slower process of subpoenaes after the matter had been presented to a Grand Jury.

REC-90 190-3-X

9 SEP 14 1977

(2) - Bureau (AM)
1 - Butte
VGM/sdj
(3)

XEROX
OCT 13 1977

F.B.I.

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GPO 1977 O - 225-549

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FD-36 (Rev 7-27-76)

FBI DOCUMENT # 2

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- ☐ Routine

CLASSIFICATION
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ E F T O
- ☐ CLEAR

Date 9/12/77

TO: DIRECTOR, FBI

ATTENTION RECORDS MANAGEMENT DIVISION
FOIPA SECTION
TRAINING AND RESEARCH UNIT

FROM SAC, PHOENIX (190-1)

SUBJECT: FOIPA MATTERS -
LIAISON WITH LOCAL LAW
ENFORCEMENT AGENCIES

As Bureau is aware, Phoenix is experiencing some difficulty in gaining access to certain sensitive local law enforcement information as a result of FOIPA legislation. Local agencies fear that the data will be released to the public through FOIPA disclosure.

In the near future, Phoenix plans to meet with police legal advisors from key state agencies. It is hoped that such a meeting will restore confidence in the Bureau's ability to treat information as confidential.

190-3-X1

Phoenix feels that it is necessary to provide a legally oriented "fact sheet" which would set forth legislative history, specific statutes, court rulings, administrative holdings, etc., upholding the FBI's right to withhold information furnished by non federal law enforcement agencies.

REC 58 140-1

The FOIPA reference manual (pages 175-177) notes that exemption (b)(7)(D) is appropriate in most instances to withhold information provided by local law enforcement agencies.

(2) - Bureau
2 - Phoenix
CRW.msw
(4)

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11 SEP 14 1977

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5 8 OCT 31 1977

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Phoenix desires to know whether local authorities can be given a 100 percent assurance that information will be withheld pursuant to the above exemption if the information is furnished to the FBI with the stipulation that it be treated as confidential.

Page 177 of the FOIPA reference manual states "It shall also be the policy to release this type of information where circumstances indicate release could not possibly identify the provider." This statement of conclusion seems to be somewhat contradictory when read alongside page 175 which indicates information itself is to be protected as well as the source of the information.

Phoenix requests clarification on the above point and further requests sufficient legal citations, etc., to provide police legal advisors with a sound legal basis on which to advise their departments in regard to this issue.

DOCUMENT # 3

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

San Antonio, Texas

May 11, 1978

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Per another govt. agencies letter dated 11-10-82

Classified by [illegible] 2-10-98

Declassify on: OADR

304185

8-19-2003 60267 NLS/BAW/Cmm

03-R0263

GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES FREEDOM OF INFORMATION PRIVACY ACT MATTER

Information Exchange Between Federal, State and Local Law Enforcement Agencies

The Federal Bureau of Investigation, as a member of the intelligence community, is required on a continuing basis to work closely with other members of the intelligence community including [redacted] and military intelligence organizations. With the implementation of the Freedom of Information Act exchange of information between the agencies has been adversely affected [redacted] b2 b1 (c)

To further complicate the exchange of information between members of the intelligence community, it should be pointed out that information reported by one agency to another cannot be further disseminated to a third agency which delays the exchange of information within the intelligence community as a whole.

In addition to the above, some subjects of FBI foreign counterintelligence cases cannot be checked through the records of the Austin, Texas and the San Antonio, Texas Police Departments, due to the fact that a record of the interest of the FBI is maintained by respective police departments. Also, the U. S. Postal Service maintains a written record of the requests of the FBI for information concerning individuals. This record of the FBI's investigative

190-3-2X1

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interest is available to the individual in whom we have this investigative interest.

Law Enforcement Personnel's Ability to Obtain Infromation from the General Public

Immediately following the implementation of the Privacy Act various offices of the University of Texas, Austin, Texas (UTAT), greatly restricted the information which they were willing to furnish to the FBI. Prior to the Privacy Act this office received almost unlimited information from the Registrar's Office, Personnel Office, Admissions Office, International Office, and other divisions and departments at the UTAT. Now the information available to the FBI is restricted to directory type information such as name, enrollment status, area of study and fraternal organizations with which affiliated. To further complicate matters, the FBI inquiry is also made a matter of record in the student's file, greatly limiting the scope of foreign counterintelligence investigations.

On several occasions, personnel of the San Antonio Division have received telephone calls from individuals wishing to lodge a complaint with the FBI or furnish information to the FBI while refusing to identify themselves without a guarantee of protection. When we have been unable to provide an absolute guarantee of confidentiality to the caller, he has refused not only to identify himself, but also to furnish the information about which he originally called the FBI.

Reduction in Current Informants or Potential Informants' Resulting from Present FOIPA Disclosure Policies

Efforts to recruit a number of informants in the foreign counterintelligence field have been unsuccessful when it became apparent to the potential informant that the FBI could not absolutely guarantee that his identity would not be divulged at some time in the future as having furnished information to the FBI in sensitive areas.

The San Antonio Division has experienced no decline in the number of current informants due to the disclosure provisions of the FOIPA.

Miscellaneous

b2 b7D Recent publicity concerning the possible identification of FBI informants used against the Socialist Workers Party prompted [redacted] to telephonically contact this office expressing concern over the possibility of his potential identification as an FBI informant. He expressed concern for his career if his activities on behalf of the FBI become a matter of public knowledge. It is questionable if he would have assisted the FBI had he known that there existed the possibility of his ultimate identification as an informant. (U)

(U) On September 29, 1977, a former Special Agent of the FBI telephonically contacted the San Antonio office and advised that [redacted] had contacted him at his residence and expressed his fear that his identity as a confidential informant of the FBI would be ascertained by an individual who had obtained documents from the FBI under the provisions of the FOIPA. [redacted] further told the former Special Agent that the individual who had received the documents was trying to identify those other individuals who had provided information to the FBI concerning his activities.

DOCUMENT # 4

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

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In Reply, Please Refer to
File No

Seattle, Washington
May 11, 1978

Re GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT THE
FREEDOM OF INFORMATION (FOIA)
AND PRIVACY ACT (PA) ARE HAVING
ON LAW ENFORCEMENT ACTIVITIES

The following are items of law enforcement personnel's inability to obtain information from the general public

A) Seattle file 86-102, Bureau file 86-3202

JUST DISTRIBUTING COMPANY, INC ,
Kent, Washington

This is an SBA loan case in which the victim bank, Old National Bank, Seattle, Washington, who was a guarantor for the SBA loan refused to give investigating agents information concerning the subject in this case simply because the subject also happened to be a customer of the bank. Investigative delays were encountered and agents were required to obtain grand jury subpoenaes for this information.

B) Seattle file 91-4751, Bureau file 91-59752

In this instance investigating agents obtained information that a possible witness in a bank robbery was employed at Swedish Hospital at Seattle, Washington Original information provided only a phonetic name for this employee and agents contacted personnel office at Swedish Hospital in an effort to obtain the employee's complete name to facilitate interview They were advised on January 13, 1978, that Swedish Hospital employment records were not available and that Swedish Hospital would refuse to identify their employee

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304185

Per 190-28547-8

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C) Seattle file 29-1965

b7C [redacted]
Rainier National Bank,
Empire Way Office
2/28/77 - 3/29/77

In this bank fraud and embezzlement case, Agents visited a former residence of the prime suspect in an attempt to obtain additional background information during the investigation. The owner of an apartmenthouse in Kirkland, Washington, refused to provide rental application for this individual, citing possible conflicts with the Privacy Act

D) Seattle file 29-2128

[redacted]
Bank Fraud and Embezzlement

Seattle First National Bank, who is a victim bank in fraudulent loan applications, refused to give the loan applications to investigating agents without the issuance of a subpoena, which created considerable extra work in this matter.

E) Seattle file 87-15575

UNSUB, aka
[redacted]
Interstate Transportation of Stolen Property

While investigating this case, it became known to the agents that United Airlines at Seattle was a victim in that they accepted a stolen check for airline passage The subject in this case attempted to buy an airline ticket in Seattle, Washington, using the same stolen identification and United Airline computers indicated to the ticket agent that this check was stolen. United Airlines refused to issue the ticket which had been completed by the ticket agent.

During the course of investigation, agents attempted to obtain this completed but unused ticket as evidence and were advised that United Airlines would not make the same available to the FBI.

F) Seattle file 87-15780

b7C UNSUB aka [redacted]

In this case, where stolen checks were cashed, the bank manager refused to allow investigating agents to view copies of these stolen checks without a subpoena or a release from the victim from whom they were stolen.

G) Seattle file 29-1944:

[redacted]
Pacific National Bank,
Campus Branch
12/76 - 2/77

During the course of investigation in this case, in an effort to obtain additional background information, agents sought to review employment records at the Bon Marche Department Store and were advised that employment records were no longer available because of the Privacy Act. Agents also attempted to secure information concerning the subject from Sears Roebuck Company and Nordstrom Department Store and were advised that this information was not available without a court subpoena.

H) Seattle file 145-NEW

[redacted]
ETAL
Interstate Transportation of Obscene Matter

On May 10, 1978, Pacific Northwest Power Company advised investigating agents that records concerning subscribers

which had been previously furnished without hesitation would no longer be available because of Privacy Act and the fear of the company that they could be sued.

I) Seattle file 76-4326, Bureau file 76-56782, Escaped Federal Prisoner

During a recent investigation to apprehend subject, the Social Security Administration at Seattle was contacted after investigating agents developed information the subject was receiving supplemental Social Security income. Officials at Seattle cited the Privacy Act in refusal to supply information concerning the fugitive. The fugitive was subsequently apprehended at Seattle, Washington, after the expense of considerable time and manpower, and at the time of the apprehension, it was determined he was currently receiving supplemental Social Security income. b7E

J) Seattle file 156-27

[redacted]

In this labor matters case, agents attempted to determine what bank records were available concerning the subject in order that they could be properly subpoenaed The bank, citing the Privacy Act, refused to detail what types of records were available and this resulted in a waste of considerable time and the eventual issuance of approximately 20 subpoenaes for the grand jury in order to obtain all pertinent information.

At this time it is not possible for Seattle to present any specific incidences concerning problems encountered in information exchange between federal, state, and local law enforcement agencies or in the development or retention of Bureau informants.

K) [redacted] Seattle file [redacted] Bureau file

b1 [redacted]

[redacted]

OO WFO

[redacted]

OO WFO

b1

In connection with a recent physical surveillance in captioned matters, several instances were encountered in which investigating agents encountered problems because of the Freedom of Information Act. Agents were advised [redacted]

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Classified by 1723,
XGDS, Category 3,
Indefinite

DOCUMENT # 5

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Milwaukee, Wisconsin
May [illegible], 1978

In Reply, Please Refer to File No.

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8-10930
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GENERAL ACCOUNTING OFFICE (GAO) STUDY
TO EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FREEDOM OF INFORMATION-PRIVACY ACTS MATTERS

The following information is set forth regarding the negative impact on investigative matters in the Milwaukee Division since the implementation of the Freedom of Information-Privacy Act (FOIPA):

1) Information Exchange Between Federal, State and Local Law Enforcement Agencies

In the latter part of 1976, the Milwaukee Division experienced a reduction in the information that could be obtained from the Milwaukee Police Department (MPD), Milwaukee, Wisconsin, records relating to cases other than applicant matters. For a short period of time, only certain information was released to the FBI, after which; however, [illegible] arrest records not reflecting court conviction, would have to be handled discriminatively and could not be disseminated to anyone outside our agency. To maintain our relationship with the MPD, this understanding is still incorporated into our investigative communications.

During a recent discussion (May, 1978) with authorities of the Milwaukee Police Department, Milwaukee, Wisconsin, they were in complete agreement with the Milwaukee Division of the Federal Bureau of Investigation (FBI) that

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ENCLOSURE

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[illegible]

[illegible] ..., but on limited basis.

2) Law Enforcement Personnel's Ability to Obtain Information from [illegible] Public

In connection with [illegible], it was reported [illegible] on April 16, 1975, that in the opinion of the university administrators, no information could be released to [illegible] of the FBI concerning [illegible] without the consent [illegible] in the form of a signed release granting authority to do so. The position of the university was said to be in compliance with provisions of the Privacy Act legislation.

3) Reduction in Number of Informants and Potential Informants Resulting from Present FOIPA Disclosure Policies

In September, 1975, an attorney for an editor of an underground newspaper in the Wisconsin area filed suit against the FBI contending the FBI had not released the requested material under the FOIPA. Once this matter reached a Federal Judge in Madison, Wisconsin, files pertaining to numerous activists in the Madison area, among whom was an FBI informant, were released. As a result, the identity of this informant was made known which caused the loss of a very valuable source. Likewise, release of [illegible] files from a local police department in Wisconsin caused the loss of another valuable FBI source. This is [illegible] 13[illegible]-1172, who has litigation against the Madison Police Department and a local Madison newspaper.

On September 15, 1975, in a north central city three members of an organization dedicated to bringing about a militant, working-class movement based on Marxism-

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b2

[redacted] to both the FBI and the [redacted] one of the FOIA requesters, information concerning them. In so doing, it was anticipated that by the release of information concerning these individuals, such as dates, times and activity, information in these files could be identified.

During April, 1976, in a north central city, a one actual and one objective FBI informant ceased all activity on behalf of the Bureau. His greatest concern, and reason for the decision on his part, was the FOIA which he said enabled people to have access to FBI files, a circumstance he recognized as having the distinct possibility of disclosing his identity as an informant. This source provided coverage on two major subversive and/or violence-oriented groups of investigative interest.

One member of the Madison Resident Agency was once told by an informant that "he would trust the Mafia to keep a secret more than he would the Bureau".

Recently in May, 1977, an informant, who is [redacted] b1

[redacted] (C)

could gain access to FBI records through the FOIPA. A

No definite account can be made of how many potential informants have been lost through the implementation of the FOIPA.

4) Pitcell report

In relation to applicant investigations conducted by the Miscellaneous Division, several Agents (especially in the Resident Agencies) feel applicant interviews are not as candid

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DOCUMENT # 6

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Sacramento, California
May 11, 1978

8-19-2003 60267 NLS/BAW/Cam

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03-R0763

GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES FOIPA MATTERS b1

I. INFORMATION EXCHANE BETWEEN FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES

As of this date, there has been no known adverse effect under FOIPA on the exchange of information between federal, state and local law enforcement agencies.

II. LAW ENFORCEMENT PERSONNEL'S ABILITY TO OBTAIN INFORMATION FROM THE GENERAL PUBLIC b7C

(U) Source at a local Sacramento university advised that his legal department has counseled him against furnishing information from school records to federal investigators because of the FOIPA. (Numerous instances, i.e., [redacted] Bureau file 105-99542, [redacted] etc.) (c)

In an attempt to locate a foreign student at a local Sacramento university for interview, university officials declined Sacramento's request for assistance in locating subject, mainly because of the FOIPA. [redacted] Bufile 105-308843, SC-105-3308.) (c)

III. REDUCTION IN CURRENT INFORMANTS OR POTENTIAL INFORMANTS RESULTING FROM FOIPA DISCLOSURE

[redacted] (c)

(Caption of case omitted to obviate necessity of classifying this document.)

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DOCUMENT # 7

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Chicago, Illinois
May 12, 1978

GENERAL ACCOUNTING OFFICE (GAO) STUDY
TO EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER

Reference is made to Bureau airtel dated May 3, 1978, advising of the above mentioned GAO study which began May 1, 1978.

In order to assist in the evaluation of the FOIPA impact on law enforcement activities, the following response is being set out by the Chicago Office:

1. Information exchange between Federal, state and local law enforcement agencies:

By reason of its location in a major transportation center, Chicago Office inquiries regarding Theft From Interstate Shipment (TFIS) and Interstate Transportation of Stolen Motor Vehicles (ITSMV) matters are made on a continuing basis of Railroad Police Agencies as well as such quasi law enforcement agencies as the National Auto Theft Bureau (NATB). Although they are acutely aware of, and frequently refer to, the provisions of the FOIPA in individual case discussions, no noticeably adverse affect has been reported to date in obtaining information from these sources.

2. Law Enforcement personnel's ability to obtain information from the general public:

While no specific instances have been reported in this regard, the reluctance of the general public to furnish information to the FBI is more frequently manifested in the attitude in a large urban area such as Chicago rather than in specific remarks which could be utilized in this response.

190-3-2X24

3. Reduction in current informants or potential informants resulting from present FOIPA disclosure policies;

Since September 27, 1975, the effective date of FOIPA legislation, the number of criminal informants being operated by Special Agents (SAs) of the Chicago Office has decreased by 76%. Previous Chicago Office communications to the Bureau have attributed much of this decline to the Attorney General's Guidelines issued December 15, 1976. However, set forth below is an example of reluctance to cooperate by an Federal Bureau of Investigation (FBI) asset, attributable to FOIPA fears:

b2
b7D

[redacted]
Chicago File [redacted]
Bureau File 61-7665

[redacted] is an asset of long standing who has furnished information on a continuing basis for a period of years concerning high levels of the international communist movement. Much of the information gathered by this asset is disseminated at the highest levels of the U.S. Government, and the FBI has been informed by other agencies that reports of information from this asset have an impact upon the policy-making levels of the U.S. Government. In addition, this asset furnishes on a continuing basis key information being conducted by the FBI.

Since the advent of FOIPA, numerous documents containing information furnished by this asset have been released under provisions of these laws. The asset has had access to these released documents which fact has had a deleterious effect upon his relationship with the FBI. There has been a noticeable decrease in the volume of information furnished by the asset, and the asset has been frank to state that he no longer has his former confidence that the FBI can continue to maintain the confidentiality of this relationship. On numerous occasions the asset has expressed reluctance to furnish information because he fears

the ultimate release of such information under FOIA may result in physical jeopardy or in leaving him open to civil suit by individuals who have been the subject of his reporting. This asset has not terminated his relationship with the FBI, but the relationship is now a very tenuous one. Should this relationship be terminated, it would result in the loss of extremely valuable information and severe damage to the national security interests of the United States. (S)(U) b7C

4. Miscellaneous

In a recent case captioned, "UNSUB; Theft of 1977 Piper Single Engine Cherokee....Elgin Airport, Elign, Illinois, 7/31/77, ITSP - MT" (Bufile 87-145321, Chicago File 87-46483), an FOIPA request was received on January 23, 1978, from the Office of the United States Aviation Underwriters (USAU) in Des Plaines, Illinois, "regarding the theft and identity of the individuals involved."

On January 25, 1978, the Chicago Office directed a letter to [redacted] of USAU advising that the information requested was being withheld under Title 5, United States Code (USC), Section 552 (b) (7) (A) inasmuch as disclosure would "interfere with law enforcement proceedings, including pending investigation. (It is important to note that a suspect has been developed as a result of our investigation of this theft.)

On February 16, 1978, [redacted] filed an Appeal from our denial of access to these records. The result of this Appeal could be most significant, in the opinion of the Chicago Office, for two reasons:

1. If successful, the USAU or any other insurer can initiate action in a civil proceeding for recovery of funds expended in settlement of a claim. If the defendant in this civil action is a potential criminal defendant in the FBI investigation, then the situation could well necessitate the use or FBI documents in a civil suit prior to their introduction at trial in Federal Criminal Court. Prejudice to the Government's subsequent prosecution would be a very real possibility.

2. If successful in this Appeal, the USAU and other insurers could reduce the costs of maintaining their investigative staffs, opting instead for utilization of FBI reports and other documents obtained through the FOIPA process in effecting settlements with claimants or, as above, in seeking to recover insurance funds from persons whose identity can be discerned from review of FBI documents.

DOCUMENT # 8

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Portland, Oregon
May 12, 1978

8-19-2003

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GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

(1) Information Exchange Between Federal, State and Local Law Enforcement Agencies:

None.

(2) Law Enforcement Personnel's Ability to Obtain Information from the General Public:

During a Portland investigation in August, 1977, captioned [redacted]" Portland file 161-562 relating to a Presidential appointment, [redacted] in separate interviews, expressed hesitation and reservations regarding their comments concerning the appointee, and despite assurance of confidentiality in accord with requests therefor, indicated their answers and comments were tempered through fear of compromise. Both expressly stated they could be more candid, perhaps, but for recently publicized "leaks" from the U. S. Department of Justice in other matters. b7C

(3) Reduction in Current Informants or Potential Informants Resulting from Present FOIPA Disclosure Policies: b2

On several occasions in the past [redacted] an informant of the Portland Division who has furnished reliable information regarding the American Indian Movement and other activist groups, voiced his concern for his safety out of fear that his identity would in the future be revealed despite present assurances that his identity would be concealed. X(U) b7D b2

On April 24, 1978 [redacted] voiced great concern over the recent indictments of [redacted] fears that the Justice Department investigation of these individuals will result in the revealing of names of informants who worked in the field divisions to the public. He stated that if his name were ever released from FBI files publicly he would fear X(U) b7D b7C b7D

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

10-2-81 ASS & EXT BY SP4 BM-3 OR
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computer # 218,060

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ENCLOSURE

b2 for his personal safety because of his long association with
b7D the FBI and his cooperation in domestic security investigations. [redacted] stated that when he began assisting the FBI it was with the understanding that his identity and the information he furnished would always remain confidential. Based on this understanding he has cooperated over the years *(U)

(C) [redacted] b1

[redacted] advised that recent news accounts in local Portland, Oregon newspapers regarding material made available under the Freedom of Information Act had disclosed the names of several individuals in a professional capacity from Portland who had assisted the FBI and the nature of their assistance. This type of publicity, according to the potential source, would be detrimental to any individual in business who elected to cooperate with the FBI. *(U)

(4) Miscellaneous:

A continuing concern of Agents handling Bank Fraud and Embezzlement investigations is the Privacy Act's restrictions on disclosure of information to the private sector where those concerned are bank management officials in cases involving defalcations of employees of banks, particularly those in fiduciary positions. Of particular concern are those instances in which prosecution is declined even though admissions of guilt are made, with a resultant lack of "public record information" which could justify disclosure The Portland Office believes that disclosure of such information to banking authorities should be included in the "routine uses" provisions of the Privacy Act or otherwise provided through remedial legislation.

DOCUMENT # 9

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington Field Office
Washington, D. C. 20535
May 15, 197?

In Reply, Please Refer to
File No

SECRET

8-19-2003
CLASSIFIED BY 60267 NLS/BAW/cam
DECLASSIFY ON: 25X 1
03-R0763

GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT THE
FREEDOM OF INFORMATION ACT (FOIA)
AND PRIVACY ACT (PA) ARE HAVING
ON LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER

The following are situations experienced by this office in relation to the above caption. (U)

1) Information exchanged between Federal, State and local law enforcement agencies.

No specific situations are noted. (U)

2) Law enforcement personnel's ability to obtain information from the general public.

Classified by ~~SP3 BTJ/08~~
Declassify on: ~~OADR~~ 5-10-80
304185

A. Washington Field Office (WFO) file [redacted] (S)

[redacted] b1

[redacted] (S)

REASON ... EXEMPT
WHERE SHOWN OTHERWISE.

10 2 81
CLASS & EXT. BY SP4 JRM JAVE
REASON-FCIM II ... 2,3
5-12-98
Computer # 213,660

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

SECRET

Classified by 42
Exempt from GDS, Categories 2 and 3
Date of Declassification: Indefinite

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190-3-3X

ENCLOSURE

[redacted] b1 (S)

WFO SA supervisors have advised of numerous instances wherein people are reluctant to furnish information to the FBI for fear of disclosure of their names. Specific attribution of this reluctance to FOIPA is difficult, however, because SAs are hesitant to inject FOIPA into the interview for fear of"drying up" the interviewee, potential source, or actual source. Congress recognized this concept in the Privacy Act, Subsections (j) and (k) in allowing the head of the agency to exempt particular investigatory records from certain requirements of the Privacy Act. The Attorney General has exercised his statutory authority in Title 28, Code of Federal Regulations (CFR), Part 16.96, exempting particular FBI records from certain subsections of the Privacy Act because to subject the records to the Privacy Act would "invade the privacy of private citizens who provide information (to the FBI)" and would "inhibit private citizens from cooperating with the FBI". Since the records are exempted from Privacy Act requirements and because the complexity of the Privacy Act renders it difficult to explain, most Special Agents do not raise the specter of FOIPA in interviews and may never know, and therefore cannot document to what extent the FOIPA has been a factor in the interviewee's decision to be cooperative or completely candid in the interview. (U)

3) Reduction in current information or potential informants resulting from present FOIPA disclosure policies.

b1

A. WFO file [redacted] (S)

GAO STUDY TO EVALUATE THE
IMPACT THE FOIAPA ARE HAVING
ON LAW ENFORCEMENT ACTIVITIES

b1

[redacted] (S)

[redacted] (C)

[redacted] (C)

[redacted] (C)

[redacted] (S)

[redacted] (S)

b1

4) Miscellaneous

The thread running through the above cited situations is not a FOIPA release of information which identifies its contributor thereby causing him to cease furnishing information to the FBI. Rather, the common thread is the fear in the source's mind that somehow because of FOIPA his identity as an FBI source will be disclosed. Whether the subjective fear in the source's mind is or is not grounded in fact is irrelevant to our purpose. The result to the U.S . Government is the same - deprivation of that information the source would have furnished. The only question is - is the fear in the source's mind reasonably founded, or are the sources whose cases are narrated above overreacting to FOIPA. (U)

It can safely be said that the average person does not understand FOIPA. In fact it can possibly be said that most lawyers do not understand FOIPA. Most people see the FOIPA as an amorphous mechanism that forces goverment agencies to release all types of information that the agency would otherwise rather not release. The fact that FOIPA applies to the FBI is all that most people know and is the fact upon which they make their decision to cooperate or not to cooperate. (U)

The answer is not to alter the disclosure process. The answer is to exempt FBI criminal and security files from FOIPA entirely. Then and only then will the American public again have confidence in the integrity of FBI records and be willing to step forward with information. (U)

FD-36 (Rev. 7-27-76)

FBI DOCUMENT # 10

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [x] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] E F T O
- [ ] CLEAR

8-19-2003
CLASSIFIED BY 60267 NLS/BAW/com
DECLASSIFY ON. 25X 1
03-R6763

Date 5/16/78

CONFIDENTIAL

TO: DIRECTOR, FBI
ATTENTION: ROOM 6280
TRAINING AND RESEARCH UNIT
FOIPA BRANCH
RECORDS MANAGEMENT DIVISION

FROM: SAC, MEMPHIS (190-20) (RUC)

SUBJECT: GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT
THE FREEDOM OF INFORMATION ACT (FOIA)
AND PRIVACY ACT (PA) ARE HAVING ON
LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER

Classified by SP8 BT
Declassify on: OADR 8-13-98
Per 190-28547-8
304185

Re Bureau airtel to Albany, 5/3/78.

Enclosed for the Bureau are five copies of a LHM captioned as above.

b1

The source referred to in the enclosed LHM is [redacted] (C) Memphis file [redacted] (C) Bureau file [redacted] (C)

REC-122

190-3-3x1

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF
DATE 10-21-81

ENCLOSURE
CC-4 Enc D
7/10/78

2-Bureau (Enc. 5)
1-Memphis
JRF:rsb
(3)

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Computer # 213,060

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WHERE SHOWN OTHERWISE.

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54 AUG 21 1978

CONFIDENTIAL

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CONFIDENTIAL DOCUMENT # 11

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No

New York, New York
May 19, 1978

General Accounting Office (GAO)
Study To Evaluate The Impact The
Freedom Of Information Act (FOIA)
And Privacy Act (PA) Are Having
On Law Enforcement Activities

1) Information Exchange Between Federal, State and Local Law Enforcement

Classified by
Declassify on:

In recent conversations with two members of the Metropolitan Police Department (New Scotland Yard), in an investigation concerning copyright matters, these two policemen stated that they did not furnish all information to the Federal Bureau of Investigation as they had in the past due to the Freedom of Information Act.

The New York City Police Department Intelligence Division has among its responsibilities the responsibility of gathering intelligence information relating to terrorist matters. They have developed through the years police officers acting in an undercover capacity who are targeted against certain bombing suspects. These suspects are the same suspects being investigated by this squad. On several occasions, officials of the New York City Police Department have expressed grave concern about giving the Federal Bureau of Investigation any information from these undercovers because of the FOIA. They feel that should information from these undercover officers be revealed to members of the public, their identities could easily be compromised and their lives placed in great danger. It is noted that they do furnish us with information from these officers; however, it is normally in abbreviated form and the amount of which is actually excised before being given to us is unknown. The amount of information being furnished is being furnished because the officers involved are professionals.

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DATE

Classified by
Exempt from GDS, Category
Date of Declassification Indefinite

CONFIDENTIAL

ENCLOSURE

However, should one of these undercovers be exposed because of the FOIA, it would probably be the last information we ever get from this source.

2) Law Enforcement Personnel's Ability To Obtain Information From The General Public

[redacted] - b7C

Unlawful Flight To Avoid Prosecution (UFAP) Murder
(OO: Miami)
New York 88-18188

Associate refused assistance because he felt his name would be divulged.

[redacted] -

UFAP - Murder
(OO: Mobile)
New York 88-15135

One family member and one associate refused assistance because of fear their names would be divulged.

[redacted]

Escaped Federal Prisoner
(OO: New York)
New York 76-6126

Four known associates stated during interview they feared their names would be divulged if they cooperated. Subject subsequently captured and received sentence of imprisonment for 95 years.

[redacted]

Interstate Transportation of Stolen Property (ITSP) (F)
(OO: New York)
New York 87-80957

In a recent investigation involving the fraudulent encashment of checks at the Banker's Trust Company, New York

New York, which had resulted in a substantial loss to that bank, the FBI requested the turnover of evidence in this matter, i. e., account signature card and original checks, and the bank manager insisted on a subpoena prior to releasing the documents. Subsequently, a high official of the bank told Special Agents that he could not understand the necessity of a subpoena since the bank was a victim and should not be hampering the Federal Bureau of Investigation's investigative efforts.

This is an example of the frequent investigative delays caused by confusion on the part of banking officials as to their obligations under the privacy laws.

Unknown Subject;
Theft of Seven (7) .45 Caliber Weapons
From National Guard Armory, Queens, New York
Theft of Government Property (A)
(OO: New York)
New York 52-12284

Potential witnesses with information relative to the above-captioned theft were afraid to provide such information for fear that at a later date their names would or could be released under an FOIA request by the suspected thief.

Unknown Subject;
Harassing Telephone Calls Received At
The Egyptian Mission To The United Nations
Protection of Foreign Officials
(OO: New York)
New York 185-755

Due to FOIA/PA ramifications, the New York Telephone Company procedures for access to subscriber information and toll records substantially delayed investigative activity in the above-captioned case.

b7C [redacted]

(OO: New York)
New York 90-183

Inmate witnesses at the Metropolitan Correctional Center (MCC), New York, New York, could not be convinced that their identities could be protected because of FOIA legislation and refused to cooperate in an investigation concerning contraband sales of drugs and liquor by a federal correctional officer. Said witnesses feared reprisals by the correctional officer and her fellow officers at a later date.

[redacted] -

A squad involved in investigations regarding terrorist matters has been in contact with certain legitimate enterprises regarding the possibility of starting a citizens reward program for the apprehension of certain terrorists now charged with terrorist activity, the potential sources of the financing of this operation have been extremely reluctant to cooperate because they fear their names will eventually become public and that they themselves will become the target of terrorist acts. Although these businessmen never specifically state that the FOIA is the source of their problem, it must be considered as possibly being one of their fears.

This squad has been attempting to contact certain members of the news media in order to solicit their cooperation along with the telephone company's cooperation into legally determining possible locations being used by terrorists. Members of both the media and the telephone company have expressed a great reluctance to cooperate because they likewise are fearful of their identities being made known and their companies being the targets of terrorist acts. Certain persons contacted have specifically mentioned the FOIA.

This squad is currently conducting investigations into allegations that members of the Church of Scientology framed an individual by the name of [redacted] by mailing a bomb threat and arranging to have her indicted

for the bomb threat. Members of this organization are very litigation conscious and have often filed under the FOIA. In January of 1978, [redacted], a former member of the organization, expressed a great reluctance to cooperate in the investigation because he knows that often church members file under the FOIA and he was afraid that any information he provided would be disclosed to the Church of Scientology and eventually his cooperation would be known. On March 2, 1978, [redacted] also former members of this organization, expressed similar reluctance for the same reasons. b7C

In the field of arson investigation, it is imperative that investigators have access to numerous documents relating to fire losses that a subject has incurred. In an effort to secure this information contacts with all major insurance companies as well as the Fire Marshal Reporting Service have disclosed they will provide no information without first being given a subpoena. All of the above indicate that they have established this policy because they feel they can no longer furnish information of this nature to law enforcement agencies without the possibility of this being disclosed through the FOIA or PA. They advise that their legal departments feel that if a person learns that they have provided this information, they are then opening themselves up to civil suit for doing so.

3) Reduction In Current Informants Or Potential Informants Resulting From Present FOIPA Disclosure Policies

[redacted]
New York Bureau [redacted] b2 b7D

Source refused further cooperation because of fear identity would be revealed.

[redacted] New York [redacted]

b2

b7D Source refused further cooperation because of fear name would be divulged.

[redacted] New York [redacted]

Afraid name would be disclosed. Refused further cooperation.

[redacted] New York [redacted]

PC, who was in an excellent position to furnish organized crime information advised he would not assist because of the FOIA.

[redacted] New York [redacted]

Refers to personal hesitancy to divulge certain information because of the FOIA.

(C) [redacted] advised that she would prefer not to be recontacted by Special Agents of the Federal Bureau of Investigation. Citing the increasing frequency with which details about contacts between United States intelligence agencies and their sources have appeared in the "New York Times," in other national publications, and on radio and television, the source indicated that exposure of her relationship with the Federal Bureau of Investigation could cause great personal damage to her professionally, as well as catastrophic, perhaps fatal damage [redacted] (C) (C) [redacted] advised that he would prefer not to be contacted in the future by Special Agents of the Federal Bureau of Investigation, because he is concerned that his identity may become revealed. He explained that he has read accounts in newspapers of Federal Bureau of Investigation informants' identities being revealed as a result of court actions and/or the Freedom of Information Act.

b1

b1

(C)[redacted] The subject was cooperative and informative and it was felt that he would be worth contacting in the future. When approached in this regard, the subject stated that he did not wish to be contacted regularly by the Federal Bureau of Investigation and that his reluctance was based on the fear that his cooperation would become known and his business operation would then suffer.

It is felt that the subject's fear was at least in part a result of common knowledge of current FOIPA disclosure policies.

Since late 1972, an individual had been providing information to the New York Office of the Federal Bureau of Investigation on a confidential basis. From the very inception of this relationship, this individual insisted that he would not testify in a court of law, nor did he expect the FBI to disseminate any information he had provided to another agency which could divulge his identity.

In time, this individual was in position to provide information regarding top echelon, organized crime figures and top rate fraud schemes being perpetrated on the financial community.

This source was extremely cognizant of current events in the law enforcement/judicial areas which could affect him personally. During calendar years 1976 and 1977, the New York newspapers, as well as other news media, were quick to sensationalize on the police/informant relationship and would attempt to identify confidential sources whenever possible. On these occasions, when an article would appear in a newspaper or periodical about confidential source who was identified, or when a judge demanded an informant's file to be produced in court, this source would discuss with his contacting Agents the Federal Bureau of Investigation's policy regarding these matters.

In late 1977, this source, who had continued to provide excellent information about organized crime figures, began to make himself unavilable to contact. When contacted, this individual insisted that he was no longer in position to gain the type of information in which the FBI was interested, and that he preferred no further attempts to contact him. The contacting Agents knows this source to be a con-man who has depended on this style of life as his means of support for the past ten years. He has no other means of earning a living, and he will continue to earn a living in this manner. Based on these facts, his contacting Agent knows that this individual will continue to be in a position to gain information in which the Federal Bureau of Investigation is seriously interested.

At last contact, this individual stated that he was not going to cooperate with the Federal Bureau of Investigation because he did not have to. Through previous discussion he had prepared his contacting Agent for the eventual termination of this confidential relationship by constantly calling attention to his need for absolute confidentiality.

4) Miscellaneous

[redacted] - Fugitive; b7C
Et Al
EID
(OO: Chicago)
(Bureau file 174-7277)
(New York file 174-2545)

On January 24, 1978, this office received information that one of the prime FALN suspects, [redacted] was applying under the FOIA. Sources close to [redacted] advised that he was applying because he wanted to see what agents were working on his case and what the Federal Bureau of Investigation knew about him. It is only by chance that the Bureau learned of his request. It is noted that he applied at Washington, D. C., and the New York Office, which is the office investigating him as a suspect, was never even advised of his application. The information which was furnished to him under the FOIA-PA was really of little significance; however, the New York Office is unaware of how many other suspects in pending matters may have applied and have gotten information which may have jeopardized our investigations.

Much of the investigation being conducted by the New York Office bomb squad involves the FALN, which is bombing allegedly to further Puerto Rican independence. Recently, many newspapers, especially Spanish speaking newspapers, and radical pamphlets have carried articles pertaining to the Bureau's investigation into Juan Mari Bras and the Federal Bureau of Investigation into the Puerto Rican Socialist Party (PSP). These articles contain actual Bureau letters, reports and other serials which when published in a very edited form tend to show FBI investigation into these areas in a very unfavorable way. Agents, when attempting to contact people regarding Puerto Rican independence, are now faced with comments that we are not in fact investigating terrorist bombings, but rather conducting investigations in order to end the Puerto Rican Independence Movement. People making these comments often support their accusations by commenting on similar newspaper articles. (U)

Because of the FOIPA, the general public now believes it has a right to all information. In the UNIRAC investigation, New York 183-340, articles detailing the thrust of investigation and the identities of a source as well as an undercover agent appeared in the New York Times. This information has endangered the lives of the source and the undercover agent.

Sources who were willing to wear a body recorder are more reluctant to cooperate because their names could be made public because of an inclusion of their names into the Elsur Indices. In a case involving a well known sports figure, who wore a body recorder, sufficient evidence was not obtained to prosecute the subject; as a result of the investigation, the individual could be identified through Elsur Indices and his life could be in jeopardy as a result of these disclosures. (U)

DOCUMENT # 12

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Newark, New Jersey
May 19, 1978

8-19-2003 60267 NLS/BAW/Cam

CONFIDENTIAL

03-R0763

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Declassify on: OADR
8-19-90
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GENERAL ACCOUNTING OFFICE STUDY
TO EVALUATE THE IMPACT OF THE
FREEDOM OF INFORMATION ACT (FOIA)
AND PRIVACY ACT (PA)
ARE HAMPERING ON LAW ENFORCEMENT
ACTIVITIES

The following information is set forth by the Newark Office of the Federal Bureau of Investigation (FBI) to comply with instructions in Bureau airtel to Albany, dated May 3, 1978, and captioned as above.

1. Information Exchange Between Federal, State and Local Law Enforcement Agencies

The various Federal investigative agencies such as Naval Investigative Service, Office of Special Investigations of the Air Force, Military Intelligence, etc., use different guidelines as to the application of FOIA and PA matters. The effect of this has been shown most strongly at the regularly scheduled meetings of the Interdepartment Intelligence Conference, for Southern New Jersey, generally held at Trenton, New Jersey. Attendees at these meetings have stated that they are reluctant to discuss mutual or common techniques and activities in the intelligence gathering field because of the problems such discussions may generate under FOIA or PA.

b7C

As recently as May 16, 1978, [redacted] Union County Prosecutor's Office, Elizabeth, New Jersey, stated that the FOIA definitely had an erosive and negative effect on the availability of information that local sources would pass onto him in which the Federal Government had an interest. He stated that local sources will often hesitate or not provide information because of the fear of disclosure through FOIA PA.

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190-3-9

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DATE OF REVIEW 5-[illegible]98 Computer # 213060

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As a specific case, he cited Newark case captioned [redacted] b7C stated that his sources and contacts in the Cuban community were reluctant to provide information in this Federal case and others because of the fear of disclosure.

Local law enforcement agencies are aware of the FBI's attention to recording all information received from them and thus appear more guarded in the information they are willing to disseminate to us or, in some cases, simply refuse to be candid.

A recent Newark National Academy case involving [redacted] clearly underlined the concern of a protected source to identify himself as the source of derogatory information and who clearly stated that he was aware that Nisivoccia would have access to this information through FOIPA. [redacted] that were interviewed simply refused to be candid regarding [redacted] due to their awareness that the divulgence of such information would be cause for personal reprisals.

In another suitability type investigation, a local police department refused to make a record check on the applicant's brother without a waiver from the brother, because it was believed there was a possible FOIA or PA violation. CF Newark file 116-45184.

2. Law Enforcements Ability to Obtain Information From the General Public

Newark File: 29-7791, reflects that a key witness, [redacted] involved in a check kiting scheme, is also involved with loansharks. She is not being fully cooperative in this case, particularly in identifying the loansharks with whom she is dealing, inasmuch as she has a fear of the loanshark learning about her talking to the FBI by his use of the FOIPA.

b1

[redacted] (C)

[redacted] (C)

[redacted] (C)

The above information was summarized from Newark files [redacted] (C)

3. Reduction in Current Informants or Potential Informants Resulting From FOIA/PA Disclosure Policies

b2
b7D

During 1977, Newark informants [redacted] have indicated that the FOIPA, as they understood it, has made them very wary of any guarantees of continued protection of their identities if they become the subject of an FOIPA request. They have stated they will terminate their relationship with the FBI in the future and that they continue their present

activities only because they trust the Agent who handles them will protect them fron unwarranted exposure or harassment under the FOIPA. b1

(C) [redacted] stated that he was concerned over whether the FBI maintained a file on him and where the FBI would channel any information he might give [redacted] (C) This individual further stated that he had read many newspaper articles wherein FBI sources were being revealed and he was concerned about the revelation of his identity and his association with the FBI.

[redacted] (C) advised an FBI case Agent that he lacked confidence in the FBI's ability to protect his identity regarding information [redacted] &(C)

A criminal informant who furnished very significant information in Newark file 26-61182, a ring type case, advised that he feared for his life after reading of disclosures made under the FOIPA as set forth in various New Jersey newspapers and as a result this source will no longer furnish information that is singular in nature.

4. Miscellaneous:

From the point of view of the Newark Office of the FBI, the impact of the FOIAPA is real and in no way just a matter of perception.

Prior to the FOIPA, a rapport existed with substantially all the banks in the State of New Jersey, whereby information concerning transactions in depositors accounts and other information concerning depositors was made available to the FBI without the use of a subpoena. This was helpful for lead purposes and to determine if, in fact, the bank had information that should be subpoenaed for trial purposes. Banks will no longer

GENERAL ACCOUNTING OFFICE STUDY

@PJL USTATUS TIMED = 30

furnish information on this basis but require a subpoena for all their records.

Increased demand for subpoenas by banks is obviously attributable to the FOIPA inasmuch as the bank fears that their cooperation, if divulged, would be represented to the public as an unethical business practice and thus would be counterproductive to their image and their business.

The advent of casino gaming in New Jersey has created a significant law enforcement problem in that organized crime infiltration of this industry must be curtailed. As a result of FOIPA, the FBI has been severely restricted in attempting to assist local and state authorities as to suitable applicants for jobs in this industry. Newark has been requested by the Casino Gaming Commission for the State of New Jersey to provide name checks. Because of possible Privacy Act disclosure the FBI could be liable and accused of providing information which prohibited the applicant from obtaining a job. Therefore, no assistance can be given in this area.

In the final analysis as to the impact of FOIPA provisions upon the mission of the FBI to investigate violations of the laws of the United States, it can only be said that the impact is that of a negative force.

The FOIPA has eroded the public's confidence in the FBI to maintain the confidentiality of their cooperation as a matter of course. It has increased the amount of time necessary to conduct an investigation thereby costing the tax-paying citizen. It has required that many investigative agents be assigned to basically non-investigative duties in order that requests under the FOIPA be handled within the very short statutory period given to reply to that request. It has had a chilling effect on the use of one of the most powerful adjuncts of the investigative profession, the informer, by stiffling the fear of exposure those who would come forward with the information concerning the commission of criminal acts.

That there is no doubt FOIPA has hurt the FBI's ability to investigate.

DOCUMENT # 13

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Phoenix, Arizona
June 20, 1978

In Reply, Please Refer to File No

8-19-2003
CLASSIFIED BY 60267 NCS/BAW/Cam
DECLASSIFY ON 25X1
03-R0763

GENERAL ACCOUNTING OFFICE (GAO) STUDY
TO EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER

CONFIDENTIAL

Classified by 60267 UADR
Declassify on: 25X1
8-19-03

REDUCTION IN CURRENT INFORMANTS RESULTING FROM
THE PRESENT FOIPA DISCLOSURE POLICY

b2
b7D

The Phoenix Division recently closed a valuable FBI asset [redacted] as a direct result of the inability due to the FOIPA to make and grant an express promise of confidentiality to the asset. (U)

b1

[redacted] (C)

[redacted] (C)

CLA
REASON
DATE On 10-5-81
SP4 SRA-3 on
6-20-83
Computer # 213,060
1990-3-16

CONFIDENTIAL

~~CONFIDENTIAL~~

b1

[redacted]

(C)

Phoenix had a potentially outstanding source

b2 [redacted]

b7D [redacted]

b7C

b7D

This source will not furnish information to the FBI in the future because he has a fear of being uncovered, which he believes would subject him to severe bodily harm in reprisal for his furnishing information.

b1

[redacted]

C

INFORMATION EXCHANGE

The Phoenix Police Department, Intelligence Unit, has recently promulgated a policy of no exchange of organized crime information with the Phoenix Office. This is clearly not due to a lack of trust, but has been explained that it is due to the possibility that the information furnished may at some future time be disclosed under the Freedom of Information Act or Privacy Act.

The above is also the policy of the Tempe Police Department Intelligence Unit.

~~CONFIDENTIAL~~

In this same regard, Arizona State University officials have adopted an official policy of non-cooperation with our investigators since the Freedom of Information - Privacy Act. This policy is carried out at all levels of the University's administration. Prior to the Freedom of Information - Privacy Act, the University was most cooperative.

Investigative clerks of the Phoenix Office have experienced some difficulty in obtaining Police Department files for review when made upon proper request. This situation was due to confusion and misunderstanding of the Freedom of Information - Privacy Act upon the part of the supervisor of the Phoenix Police Department Identification Division. This situation has been since rectified by the Phoenix Division staff who met with this supervisor and clarified any misunderstanding he may have had relating to the Freedom of Information - Privacy Act disclosures.

DOCUMENT # 14

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Chicago, Illinois
June 27, 1978

~~CONFIDENTIAL~~

GENERAL ACCOUNTING OFFICE (GAO) STUDY
TO EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER

Reference is being made to Bureau airtel dated June 16, 1978, advising of the captioned GAO study.

The following examples of the effect of the FOIPA legislation upon Federal Bureau of Investigation (FBI) investigative efforts in the Chicago Division are being set out for possible legislative attention regarding this matter.

1. Information exchange between Federal, state and local law enforcement agencies:

Any hesitancy in inter-agency discussions concerning FOIPA discussions is believed to be the direct result of confusion surrounding the provisions of the Act itself, especially following publicized newspaper accounts of FOIPA revelations. Any specific documentation to support this contention is unavailable at the present time, although one recent FBI encounter with a former Assistant United States Attorney (AUSA) is perhaps pertinent in this regard.

In response to an FBI inquiry concerning applicant-suitability matters, this attorney confided that significant information, meaningful but derogatory, would not be forthcoming concerning the applicant because of the FOIPA. When pressed by the FBI Agents upon this point, the former AUSA stated that he himself would counsel his clients not to furnish the FBI with derogatory information because "you cannot even protect King Hussein."

190-3-23

~~CONFIDENTIAL~~

ENCLOSURE

2. Law Enforcement personnel's ability to obtain information from the general public: b7C

On May 23, 1978, a Special Agent of the FBI contacted [redacted] reluctant to furnish any background information regarding former employee, [redacted] regarding 29-6292. She related she would gladly verify his dates of employment, however, beyond that she felt that she may have trouble furnishing any additional information because of the Privacy Act.

She stated she would have no problem in releasing the information if the subject, [redacted] authorized the release of same. b7C

3. Reduction in current informants or potential informants resulting from present FOIPA disclosure policies:

[redacted] (C)
SM-New Left (VB)
Chicago Fil [redacted] (C)
Bureau File [redacted] b1

(C) [redacted] was recontacted after it was discovered that his background was such that it was obvious that he could develop information of value concerning [redacted] (C) He acknowledged that this was true; however, he stated that due to the FOIA he no longer believes that FBI Agents can assure his complete protection even though he feels that the Agents themselves will make every effort to do so. The source also cited recent court decisions, particularly

those in the SWP law suit which have convinced him that his identity cannot be protected. [redacted] b1 (c) and that the FOA and similar laws and court decisions were the primary reason for such. He noted that disclosure of his identity would most assuredly cost him his life.

CHICAGO TRIBUNE 5/12/78

CONFIDENTIAL

FBI used black judge to discredit Muslims

By Rob Warden

CHIEF JUDGE James B Parsons of U S District Court was "utilized" by the FBI in a counterintelligence program to discredit the Black Muslims in the 1960s, according to bureau documents obtained by The Tribune

The documents, released under the U S Freedom of Information Act, are memos to the late FBI Director J Edgar Hoover from Marlin W Johnson, special agent in charge of the bureau's Chicago office at the time

The memos say Parsons, at FBI's behest, repeatedly criticized the Black Muslims, then known as the Nation of Islam, as racist and violent

Parsons, 66, the first black ever named to the federal bench, denied Thursday that the FBI asked him to make the statements

Judge James Parsons

"IT IS TRUE that I sought information about the Muslims from the FBI and that there were occasions quite early in the '60s when I was critical of the Muslim movement, but under no circumstances did the FBI ever ask me to speak ' he said

One of the memos, dated Jan 22, 1969, says in part, "Over the years considerable thought has been given, and action taken with bureau approval, relating to methods through which the NOI [Nation of Islam] could be discredited in the eyes of the general black populace or through which factionalism among the leadership could be created

"Factional disputes have been developed—the most noteable [sic] being Malcolm X Little Prominent black personages have publicly and nationally spoken out against the group—U S. District Court Judge James Benton Parsons being one example

"Chicago, as the bureau is aware, has always been on the alert for methods by which the NOI could be directed or disrupted As is evidenced by the present co-operation with Parsons this policy continues "

ANOTHER MEMO, dated Dec. 12, 1968, says that "Chicago continues to maintain periodic contact" with Parsons, who was "approved by the bureau for counterintelligence usage sometime ago."

Parsons, the memo adds, "will certainly continue to speak out in such fashion and the contact by Chicago productive of such will continue."

A third memo, dated Aug 29, 1969, says that "several years ago Chicago utilized a local federal judge to speak out against the NOI He has not been utilized in this regard since the murder of Malcolm X Little as it was not the bureau's desire to involve him in a name-calling contest "

Parsons, interviewed by telephone in Delavan, Wis , where he was attending a judicial conference Thursday, said he has "no reaction" to the statements in the memos "To me the language 'utilized is understandable, but from a public standpoint it will not be understood

"I think the documents reflect the fact that I had been threatened back in '63 by the Muslims I was anxious to be constantly informed about them, and I had a complete FBI file on them At no time did anybody ask me to speak out against or use my influence against anyone. I am responsible for what I said "

THE THREAT, Parsons said, "was that I was to be physically disciplined "

He said the threat was not made directly to him, but that he learned about it from the FBI. "Frankly, I was quite frightened when it occurred," he said.

He said his view of the Muslims has changed and he no longer criticizes them.

CONFIDENTIAL

(Mount Clipping in Space Below)

CONFIDENTIAL

FBI termed radio star South, potential informant in '68

WESLEY W. South, Chicago's well-known black radio personality and journalist, was designated a "potential security informant" by the Federal Bureau of Investigation in 1968, according to a document released under the Freedom of Information Act.

The FBI's official definition of a potential security informant is an "individual in a position to become active in or closely connected with a subversive organization or intelligence activities and making an affirmative effort to obtain and furnish current information to the FBI."

South, 59, host of "Hotline," a popular late night talk show on radio station WVON, and former columnist for the Chicago American, said he never did anything that would meet that definition.

"THIS IS an outrage, really incredible," he said "I'm wondering if this is something to smear me. Maybe they did this just to hurt someone who has been against them all these years"

An FBI spokesman in Washington said the bureau erred in failing to delete South's name from the document before it was released. The spokesman would not comment on South's statement about a possible smear.

Falsely identifying persons as informants was a frequent technique in the FBI's counterintelligence program against black activists in the 1960s, records show

The memo containing South's name was from the late FBI director, J. Edgar Hoover, to Marlin W Johnson, special agent in charge of the bureau's Chicago office. It was dated Dec. 12, 1968.

IT SAYS: "Authority granted to designate captioned individual [South] a bureau-approved PSI [potential security informant] and to proceed to develop him as a security informant . . .

"In view of subject's willingness to assist your office in a confidential assignment, and his excellent potential, it is suggested you consider protecting his identity with a symbol number at an early date"

South said he recalls two meetings and several telephone conversations with FBI agents, whose names he does not remember. He said he was polite, but "didn't co-operate" and, in fact, was critical of the FBI on the radio

"After the Democratic National Convention in 1968, the FBI came and asked me some questions about someone who had been on my show," he said. "I talked to them 20 minutes or a half hour, or maybe even longer, but I didn't tell them anything"

Wesley South

(Indicate page, name of newspaper, city and state.)

P.3

CHICAGO TRIB
CHICAGO, ILLI

Sec. 1

COPY SENT TO BUR

Date: 5-15-78
Edition: SPORTS FIN
Author: R. Warden
Editor: C. KIRKPATRIC
Title:

Character:
or
Classification:
Submitting Office: CHICAG

☐ Being Investigated

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____

MAY 15 1978

FBI-CHICAGO

CONFIDENTIAL

FD-36 (Rev. 2-14-74)

DOCUMENT # 15

FBI

Date 6/28/78

Transmit the following in ______________________
(Type in plaintext or code)

Via AIRTEL
(Precedence)

TO: DIRECTOR, FBI
ATTENTION: ROOM 6280, TRAINING AND RESEARCH UNIT, FOIPA BRANCH, RECORDS MANAGEMENT DIVISION

FROM: SAC, DALLAS (66-1751)

SUBJECT: GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER
BUDED: 6/30/78

Re Bureau airtels to Albany 6/16/78 and 5/3/78; and Dallas airtel and LHM to Bureau dated 5/11/78.

Enclosed herewith for the Bureau is an original and four copies of LHM dated and captioned as above.

For the information of Bureau, Dallas submitted eight-page LHM on 5/11/78 setting forth the results of an extensive all-office survey concerning FOIPA problems. The enclosed LHM supplements the LHM of 5/11/78 and sets forth additional FOIPA problems currently known to the Dallas Office.

REC-122 190-3-31

The sources of the cited examples are:

b2 b7D b7C

1) [redacted] captioned, [redacted] ET AL; MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, INC.; FAG; TFIS; OOJ."

304185

3 - Bureau (Enc. 5) ENCLOSURE
2 - Dallas (1 - 66-1751)
(1 - 190-00)
UHS/gcs
(5)

2 cc's & 4 enc destroyed 7/10/78

Classified by
Declassify on: OADR JUL 1978

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-5-81

REASON FOR ... DATE OF REVIEW 6-25-98

DECLASSIFIED BY 60267 NLS/BAW/cm 8-19-2003 03-RO763

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF DATE 10/21/81

CONFIDENTIAL

Approved __________ Sent ______ M Per ______
Special Agent in Charge

54 JUL 1978

DL 66-1751

2) Ascertaining Financial Ability case, Dallas file number not known.

b2
b7D

3) [redacted] (W)

[redacted]

[redacted]

[redacted]

DOCUMENT # 16

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Dallas, Texas
June 28, 1978

60267 NLS/BAW/cam
8-19-2003
03-R0763

GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES;
FOIPA MATTER

1) A potential witness, who was managing a railroad yard in a city in Texas, advised a Special Agent of the Dallas FBI Office that he had information concerning illegal activities concerning excessive billings which were obtained through the influence of the president of the company. This witness would not furnish the information unless upon the issuance of a subpoena to testify in a court of law, for fear of losing his job and subsequent family security. This individual expressed himself in such a manner to reflect lack of confidence in the integrity of governmental records to protect his identity.

2) An individual, in a position to know information about a federal government debtor, stated to a Special Agent of the FBI, Dallas, Texas, that she would not furnish any information because otherwise the information furnished and her identity could appear in the newspapers. She made reference to all the information that was being divulged in newspapers as a result of FOIPA requests.

3) An individual, who is in a position to furnish possible foreign counterintelligence information, advised a Special Agent of the Dallas FBI Office that it is his opinion that the federal government could not ensure him confidentiality in view of the constant scrutiny by Congress of the FBI an[redacted] and the subsequent news media leaks. This individual also stated that he would be fearful that his identity could be revealed through access to

b2

190-3-31

records by the public through FOIPA legislation as well as extensive civil discovery proceedings as exemplified by the SWP civil lawsuit. In addition to the above, this individual was concerned with former intelligence agency officers publishing books and jeopardizing the confidentiality of sources. In view of the above, this individual refused to cooperate and stated that if the disclosure climate would have been more restrictive as it was several years ago, he would have been more than willing to cooperate. X (U)

DOCUMENT # 17

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Cleveland, Ohio

June 29, 1978

In Reply, Please Refer to File No

CONFIDENTIAL

GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT THE
FREEDOM OF INFORMATION ACT (FOIA)
AND PRIVACY ACT (PA) ARE HAVING
ON LAW ENFORCEMENT ACTIVITIES

All paragraphs in this communication are unclassified except where otherwise noted.

I. Law Enforcement Personnel's Ability to Obtain Information from the General Public

Classified by DCB/SCJ/AB
Declassify on: OADR 2-13-90
304185

A. [redacted]

b7C

UFAP - DRUG LAW VIOLATION FUGITIVE
(OO: CLEVELAND)
Cleveland file 88-11549
Bureau file 88-71300

Cleveland Federal Bureau of Investigation (FBI) Agents wanted to check the records of a hospital in the Cleveland, Ohio, area for information regarding the above fugitive's location. Citing privacy restrictions, this hospital advised that the release of such information would require the issuance of a subpoena. As a result, the information was not obtained by the Cleveland Agents, and [redacted] is still currently a fugitive.

B. [redacted]

8-19-2003 60267 NCS/BAW Cam
[illegible] BY [illegible]
[illegible] FY ON 25X1
03-R0763

BANK ROBBERY - FUGITIVE
(OO: BALTIMORE)
Cleveland file 91-11528
Bureau file 91-59443

Cleveland FBI Agents checked with the Center for Human Services for information regarding the location of [redacted] an armed and dangerous fugitive. The Center was very hesitant initially to volunteer any information regarding [redacted] location due to the Privacy Act; but, after being convinced that [redacted] was a very dangerous individual, the Center volunteered the information that [redacted] was currently staying at a local YMCA, where he was apprehended by FBI Agents.

CONFIDENTIAL

Classified By 6020
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

10-581
2,3
10-29-98
computer # 213000

190-3-49

CONFIDENTIAL

ENCLOSURE

C. [redacted] aka
UFAP - GRAND THEFT FUGITIVE
(OO: CLEVELAND)
Cleveland file 88-12560
Bureau file 88-78271

b7C

Citing the Privacy Act, the Cleveland Credit Bureau personnel refused to furnish information regarding [redacted] address and employment, which could have enabled the FBI to apprehend [redacted] The Credit Bureau advised that such information would be released to the FBI only upon the issuance of a subpoena.

D. [redacted] (C)

(OO: CLEVELAND)
Cleveland file [redacted] (C)
Bureau file [redacted] (C)

[redacted] (C)
Cleveland file [redacted] (C)
Bureau file [redacted] (C)

b1

[redacted] (C)

Although neither the Federal Privacy Act nor the Ohio Privacy Act affect the institution, the sensitive issue of privacy regarding college students has caused school officials to prohibit the dissemination of information from school records without the written consent of the student.

The above source, in the past, has furnished valuable and detailed background information [redacted] (C)

GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT THE
FREEDOM OF INFORMATION ACT (FOIA)
AND PRIVACY ACT (PA) ARE HAVING
ON LAW ENFORCEMENT ACTIVITIES

CONFIDENTIAL

[redacted] b1

(b)(c)

CONFIDENTIAL

DOCUMENT # 18

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Alexandria, Virginia
June 30, 1978

In Reply, Please Refer to
File No

8-19-2003 60267 NLS/BAW/cmm

CONFIDENTIAL

03-R0763

GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FREEDOM OF INFORMATION ACT - PRIVACY ACT MATTERS

1. Information Exchange Between Federal, State and Local Law Enforcement Agencies

No instances have come to the attention of the Alexandria Office of the Federal Bureau of Investigation (FBI) which would indicate that the Freedom of Information Act (FOIA) or Privacy Act (PA) have militated against the exchange of information between Federal, State and Local law enforcement agencies.

(X)

2. Law Enforcement Personnel's Ability to Obtain Information from the General Public

Allegations of Political Activities
by Unregistered Iranian Government
Agents, Washington, D. C.
November 13, 1977 - November 17, 1977
Foreign Agents Registration Act - Iran
(Office of Origin: Washington Field)
Alexandria file 97-23

SP3 ... -1398 ... 3041785

[redacted]

b1

(C)

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190-3-60
ENCLOSURE

CONFIDENTIAL

SP4 ... 2,3 6-30-98

CONFIDENTIAL

RE: GENERAL ACCOUNTING OFFICE (GAO) STUDY
TO EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FREEDOM OF INFORMATION ACT - PRIVACY
ACT MATTERS

b1

[redacted] (C) [redacted] (C) [redacted] noting that if additional information were furnished and this were disclosed under the FOIPA, action could be brought against the travel bureau, which might result in substantial loss of business due to bad publicity.

b7C

Unknown Subject, also known as [redacted]
Interstate Transportation of Stolen Property (ITSP)
Alexandria file 87-3206

Unknown Subject, also known as [redacted]
ITSP
Alexandria file 87-3294

Officials of the Clarendon Bank and Trust Company and the First American Bank have refused to divulge information regarding checking accounts at their banks in situations wherein they have not actually sustained any losses as a result of transactions which constitute ITSP violations. Bank officials appear to be concerned for the privacy of their customers and fear that the customers could learn of any such situations from files of the Federal Bureau of Investigation.

CONFIDENTIAL

3. Reduction in Current Informants or Potential Informants Resulting from Present FOIPA Disclosure Policies

No additional instances or information regarding this topic have come to the attention of the Alexandria Field Office.

DOCUMENT # 19

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

ACTION

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

San Antonio, Texas

June 30, 1978

879-2003 60267 mg/BAY/cam

03-R0763

Review according to another gov't agencies letter dated 11-10-92

SP-6 ldg 10-24-02 304,185

Classified by SP 6 BJ/ag

Declassify on: OADR 8-13-90

304185

GENERAL ACCOUNTING OFFICE (GAO) STUDY
TO EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FREEDOM OF INFORMATION PRIVACY ACT MATTER

All information set forth below is classified confidential unless otherwise specified.

[redacted] (C) (C) [redacted] Following a discussion of the incident [redacted] suggested that this individual should perhaps contact the Federal Bureau of Investigation (FBI), and furnish that agency a detailed account of his activities. The individual refused explaining that recent newspaper articles had convinced him that the FBI might not be able to protect his identity. Since the individual anticipated entering the [redacted] (C) profession, he thought it highly probable that such exposure might preclude or complicate his career. He declined to be introduced to FBI Foreign Counterintelligence representatives.

CONFIDENTIAL

Classified by 1665
Exempt from GDS, Category 2&3
Date of Declassification Indefinite

10-5-81 SPU JRM/SAR
CLASS & EXT
REASON-FCIM II, 1-2.4.2 2,3
6-30-98
Computer # 213,060

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190-3-61

ENCLOSURE

DOCUMENT # 20

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

201 East 69th Street
New York, New York 10021
July 6, 1978

General Accounting Office (GAO) Study to Evaluate the Impact the Freedom of Information Act/Privacy Act are having on Law Enforcement Activities FOIPA Matter

1) Information Exchange Between Federal, State and Local Law Enforcement

This occurred within the ordinary course of investigating the following matter: [redacted] b1

[redacted] (X) C

[redacted] (X) C

10-5-81
CLASS. & EXT BY SP4 [illegible]
DATE OF REVIEW [illegible]
Computer [illegible]
ALL INFORMATION [illegible]

CONFIDENTIAL

Classified by 1308
Exempt from GDS, Category 2&3
Date of Declassification INDEFINTE

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8-19-2003
CLASSIFIED BY 60267 NLS/BAW/Cam
DECLASSIFY ON. 25X 1
03-R0763

1903 — 67

2) Law Enforcement Personnel's Ability to Obtain Information From the General Public

[redacted] b7C
UFAP
NY file 88-18123

During the course of this investigation, a hotel doorman, employed at a hotel in Manhattan, was contacted regarding the fugitive's whereabouts. This individual appeared to have knowledge of the fugitive, but stated that he was afraid that his identity would be revealed if he assisted the FBI. The doorman advised that he had read in the newspapers that FBI informants could be revealed and, therefore, he would afford no assistance. All efforts to convince this man that his name would not be revealed were to no avail. (U)

b2 [redacted]
b7D

In attempting to locate a badly wanted fugitive being investigated by the FBI/DEA Joint Task Force, NYC, NY, [redacted] had related that he was personally acquainted with this individual. This source advised that although he had seen the subject recently and he desired to aid the FBI, he was reluctant to assist for fear of compromising his identity under the new Federal laws. (U)

Seafarers International Maritime Union in Brooklyn, NY, will no longer provide information to law enforcement agencies unless served with a subpoena. (U)

3) Reduction in Current Informants or Potential Informants Resulting from Present FOIPA Disclosure Policies

[redacted] (former) stated she had read an article in the New York Post by William F. Buckley, Jr., which in effect stated that as a result of the FOIPA, A US judge was about to rule in the civil suit brought against the FBI by the Socialist Workers Party (SWP) that the identities of Bureau informants targeted against the SWP were about to be made public. [redacted] was a member of the Young Socialist Alliance (YSA) and the SWP dur 1975 and 1976, and held various minor positions in the SWP, [redacted] She reported regularly to this writer. (X(4)) b2 b7D b7D

After reading the Buckley article, the informant was quite distraught and told this writer she felt SWP members would take out some form of revenge on her should her identity and former association with the FBI be disclosed as she was sure it would. She said at one point she "might just as well go to work for that judge" (who ruled against FBI in SWP case). She stated that when she agreed to join the SWP to report to the Bureau, she felt her identity would never be disclosed by the FBI. This writer assured her that her name was not among the names of those whom the SWP was seeking to make public, and that in effect, even those informants' names had still not been compromised even though the ruling was unfavorable to the FBI. Source was finally re-assured her identity would not be publicly disclosed; however, had her name been one of those the SWP was seek to identify, extreme consternation would have certainly been brought to bear on [redacted] as evidenced by her fears voiced to this writer. (X(4))

[redacted] b1

(c)

b1

[redacted] (S)(C)

[redacted] (S)(C)

[redacted] (S)(C)

In response to the asset's inquiry, [redacted] (C) is classified and therefore not subject to disclosure through the Freedom of Information Act or the Privacy Act, which explanation he accepted. (S)

[redacted] (S)(C)

SAS have noticed a diminished capacity to recruit [redacted] (C) due to the asset's re- (S)

General Accounting Office (GAO) Study to
Evaluate the Impact the Freedom of Information
Act/Privacy Act are having on Law Enforcement
Activities FOIPA Matter

luctance to furnish information because of a stated fear of their identity being disclosed at some future date. (U)

An example follows: b1

[redacted] (C)

An Agent of the NYO advised that a source of his who formerly provided drug, loansharking, and other organized crime-related information now is most reluctant to provide this type of information because the government can no longer provide for his security. The informant specifically stated, "if any organized crime figure knew he was talking he would be killed immediately". (U)

An organized crime informant has recently expressed great concern over the recent decision by the Supreme Court not to hear a government appeal on a lower court ruling, ordering the Justice Department to turn over informant files to the Socialist Workers Party. The source is of the opinion that it is only a matter of time before criminal informant files are made available under FOI-PA. The informants productivity has recently decreased as a result of the above. (U)

Several attempts have been made to re-open an informant who, in the past, had been extremely cooperative and productive. This informant was closed due to a lack of production and all attempts to persuade him to one again aid the Bureau have been negative. This informant refuses to cooperate again due to his belief that his identity and the fact that he is cooperating cannot be kept secure due to FOIPA disclosure policy. (U)

It is realized that the above is probably repetitive however, is being submitted for your information. (U)

DOCUMENT # 21

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Sacramento, California
July 11, 1978

8-19-2003 60267 1 NS/BAW/Cam CONFIDENTIAL

03-R0763

General Accounting Office
Study to Evaluate the Impact
The Freedom of Information Act (FOIA)
and Privacy Act (PA) is having
on Law Enforcement Activities

The following are examples submitted by the Sacramento Division agents regarding adverse effects of the Freedom of Information/Privacy Act (FOIPA):

On April 11, 1978, an individual was contacted who was the [redacted] (Subject was a fugitive wanted for Unlawful Flight to Avoid Prosecution - Fraud, and after his arrest on April 12, 1978, was indicted on a federal kidnaping charge and a local homicide charge.) The father was in a unique position to furnish information regarding subject's location; however, a few hours after he was contacted by the FBI, subject appeared at the father's home and the father not only failed to advise the FBI, but also assisted in subject's attempted escape by loaning him a car. b7C

On April 11, 1978, a second contact with the father by Bureau agent (and before subject was arrested as a result of information developed from another source), the father stated he had assisted subject because he could not trust, and did not believe statements made by the FBI regarding subject because of the recent publicity about the Bureau (all as a result of the FOIA).

As a result of help given subject by the father, subject was not arrested until he had traveled 100 miles in an attempt to avoid arrest.

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CLASS & EXT BY SP4JRM-jah
REASON FOR REVIEW 1.5 4 2 2,3
DATE OF REVIEW 7-11-98
Computer # 213,060

190-3-68

CONFIDENTIAL

FBI/DOJ

GENERAL ACCOUNTING OFFICE STUDY TO
EVALUATE THE IMPACT THE FREEDOM OF
INFORMATION ACT (FOIA) AND PRIVACY ACT (PA)
IS HAVING ON LAW ENFORCEMENT ACTIVITIES

~~CONFIDENTIAL~~

b7C On May 6, 1978, SA [redacted], at the Veterans Affairs trailer located on the campus of California State University at Sacramento, did request from a Veteran Representative certain veterans course registration and application files. At that time he produced the files of three individuals and said that if more files were needed he would gladly provide them.

A subsequent visit to review additional records by SA [redacted] revealed that the Registrar, California State University, had been informed of the records review of May 6, 1978, and advised that since the V.A. trailer was located on campus property and that the files may contain student information of a private nature, school authority was needed before further access could be permitted. He further advised that the school could not permit a review of the files without direct permission of the student or through subpoena. He stated that there were no V.A. regulations regarding access to said records and that on several previous occasions they had been examined by outside agencies.

The California Junior College Legal Counsel feels a problem exists regarding the release of student records even when an agent is in possession of valid release forms from the student.

An FBI applicant furnished a release to secure all personal and financial records by the FBI. Wells Fargo Bank refused releasing the information with or without a release because of Right of Privacy.

The November 29, 1977, edition of the Sacramento Bee carried a lengthy article concerning FBI investigation of the SDS and New Left during the period around 1970. This article contained direct quotations from internal sensitive documents emanating from both the Sacramento Office and FBIHQ as to the effectiveness and extent of informant penetration of the SDS both on and off campus (u) During that critical period, [redacted] was the foremost source of any law enforcement agency in the Sacramento area. The article prompted an immediate flurry of conversations and telephone calls from former members of the SDS group to the source in an effort to identify the person who had infiltrated the group. (u)

b1 (C)

~~CONFIDENTIAL~~

The source felt that this was an unjustified disclosure of confidential information furnished by him which could conceivably result in jeopardy to his reputation, employment and personal safety (S)(C)

It is noted that the above group was small, cohesive, and carefully screened any additional members. Should several of these persons in concert write for disclosure of their files, it would easily result in compromise of source, who still reports on the Sacramento Chapter of the Northern District of the CP in California [redacted] (C) b1

A highly sought-after fugitive, wanted for fraud and possible murder, was living under an assumed name in Redding, California. Three Congressional inquiries had been made regarding the status of the case because of notoriety of the subject's prior activities in the Washington, D.C. area, and false government identity used in his assumed identification. Subject was perpetrating a new multi-hundred thousands fraud when agents became aware of his new identity and possible location. Contact was made at his bank and the manager was made aware of his status, but notified the subject, and his rationale for his act was because of FOIPA. The subject fled but was apprehended later due to an all-out State alert.

The Main Post Office on Royal Oaks Boulevard refused to give home address of an individual assigned P.O. Box 843 in Carmichael, California. An employee stated this is a change in policy due to the FOIA. The employee stated an official letter issued by the investigative agency outlining the circumstances surrounding the need for the P.O. Box will be requested in the future.

On or about May 15, 1978, an agent contacted the United States Probation Office at Capitol Mall in Sacramento regarding the acquisition of information (file review) on a subject (Sacramento file 76-2943). The anticipated file review was in line with the usual investigative procedures established for these type of cases; however, upon arrival at the U.S. Probation Office, the agent was refused the file review for fear by the case agent that the review would be in violation of the Freedom of Information Act, and subsequently, a contact of a supervisor at the U.S. Probation Office yielded the agent with the necessary results.

GENERAL ACCOUNTING OFFICE STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) IS HAVING ON LAW ENFORCEMENT ACTIVITIES

CONFIDENTIAL

On or about March, 1978, an agent was contacting a possible employer of a fugitive deserter at Weinstock's in downtown Sacramento, and he made an initial contact with the personnel director of the above store. Agent stated the purpose for the inquiry to a receptionist and she conveyed the message to the personnel director. Approximately 45 minutes passed before the personnel director received Bureau agent, and subsequently stated that the only reason that she found it necessary to have the agent wait for such a long time is that she had to contact the Weinstock store's attorney and find out just what information could be made available to Bureau agent.

(U) Source at a local Sacramento university advised that his legal department has counseled him against furnishing information from school records to federal investigators because of the FOIPA. (Numerous instances, i.e. [redacted] Bureau file 105-99542, Sacramento file [redacted] etc.) (C) (U) b1

In an attempt to locate a foreign student at a local Sacramento university for interview, university officials declined Sacramento's request for assistance in locating subject, mainly because of the FOIPA. (Bureau file 105-308843, SC 105-3308). (U)

An individual was located who was in a unique position to act as an operational asset in foreign counter-intelligence activities. While willing to assist the U.S. Government for patriotic reasons, he was unwilling to have his name appear in FBI files because of the FOIPA. (Bureau file 105-210494, SC 200-27.) (U)

[redacted] (U)

(has transferred to San Francisco), are informants who have expressed concern about their identities being determined through information which might be obtained through the Freedom of Information Act. They have continued their assistance to the FBI. (U) b2 b7D

[redacted] was concerned about his safety, in that radical individuals on whom he reported might learn of his identity by FOIPA.

Initial information furnished by California Department of Corrections requested protection of his source of information. He requested that for source's safety he would hope source of information could be concealed.

CONFIDENTIAL

GENERAL ACCOUNTING OFFICE STUDY TO EVALUATE THE IMPACT THE FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) IS HAVING ON LAW ENFORCEMENT ACTIVITIES

CONFIDENTIAL

The manager of Bank of America, Winters, California, declined to give loan application information unless approved by official of Valley Almond Growers Cooperative, of which the loan was concerning.

CONFIDENTIAL

DOCUMENT # 22

8-19-2003
CLASSIFIED BY 60267 NLS/BAW/CUN
DECLASSIFY ON: 25X 1
03-R0763

airtel

[8/1/78] (U)

TO: DIRECTOR, FBI [redacted] 7C

FROM: SAC, [WFO] [redacted] 7C

CONFIDENTIAL b1

[redacted]
[redacted] (C)
[(OO:WFO)] (U)

10-5-01 CLASSIFIED BY SP4JRM-JAR 2, 3 7-30-98

All paragraphs in this communication are classified "Confidential."

ReBuairtel 7/19/78, authorizing interview of [redacted] b7C
[redacted]
D. C. (WDC). (U)

Enclosed for the Bureau are three copies of material attached to cover letter captioned "U. S. Labor Party."

On 7/26/78, S[redacted] telephonically contacted [redacted] to arrange for interview. He advised he was very reluctant to be interviewed by the FBI or personnel of other intelligence community agencies because any information he might provide would be subject to release under the Freedom of Information Act (FOIA). He explained he had been subject of an FOIA release and since that time he has become very circumspect to interviews. After several minutes of conversation with SA [redacted] he relented and an interview was scheduled the following day. (U)

190-3

On 7/27/78, SA [redacted] interviewed [redacted] enroute from his residence to his employment. He reiterated his reluctance to be interviewed because the FBI could not guarantee his confidentiality. He presented SA [redacted] with copies of materials which he stated had been released under FOIA. The materials are enclosed in a memorandum under the letterhead (U)

3-Bureau
(1-190- GAO study to evaluate impact FOIA and PA are having on Law Enforcement Activity)
ENCLOSURE
2-WFO (U)
(1-190-1 Sub G)
JOS:sfw
(5)

CONFIDENTIAL

Classified by 6121
Exempt from GDS, Categories 2 & 3
Date of Declassification Indefinite

NOT RECORDED
AUG 28 1978

Classified by [illegible]
Declassify on: OADR
190-2854-3

Appropriate personnel action taken by Records Management, FOIPA Branch. 8/18/78 AHM

45 P 3 1978

(U) [WFO] [redacted] C b1

of "U. S. Labor Party" which is entitled "Documentation of AFL-CIO Contacts With FBI." [redacted] name appears on page two of Exhibit 2, which is a memorandum dated 2/18/76. with subject, "National Caucus of Labor Committees (NCLC); 15 b7C

(U)

[redacted] advised the material he had provided and which was released could have possibly identified him without his name. Apparently his name had been removed from several paragraphs but was inadvertently left in the body of the third paragraph on page two. He feels that whether inadvertent or in error or whatever, the damage was done. As a result, he is extremely reluctant to grant interviews to the FBI and other agencies. (U)

[redacted] stated he has not communicated with FBIHQ about this matter because to do so would entail another communicatio that might be written with his name appearing on it, which communications might be released under a future FOIA request. (U)

SA [redacted] attempted to assure [redacted] that the FBI would do its utmost to protect his identity, and the confidentiality of the information he provides. [redacted] was not reassured but stated he would discuss his contacts with [redacted] b1 [redacted] on two conditions. One, that the information and his (C) identity be protected. Two, that any memorandum that is written regarding the interview state that the FBI made the initial request for the interview. [redacted] difficulty in granting the interview was not that he did not want to cooperate with the FBI, but the fact that his name would be associated with the information. (U)

b7C

It is noted that during the interview [redacted] was friendly and desirous of assisting the FBI. His reluctance in providing information was based solely on the fact that since his name was released by the FBI on one occasion, it can happen again., and it would have an adverse effect on his private business and his credibility as a college professor. (U)

(U) WFO [redacted] C

b1

[redacted] advised he has been interviewed in the past by the [redacted] and assumed the FBI was aware of these contacts. He feels the same about future [redacted] (C) as expressed about FBI interviews. (U)

b7C

[redacted] volunteered the following about [redacted] He initially met him about a year ago through U. S. - foreign business exchanges. He invited [redacted] to lecture at several of [redacted] and has had several luncheon engagements with him. [redacted] stated that [redacted] has an excellent command of the English language and is a good lecturer. [redacted] is intelligent and interesting in conversation and [redacted] enjoys listening to the Soviet point of view on a variety of topics they have discussed. Other than the lunches, they have engaged in no social activities. [redacted] interests are in the U. S. Government and its functioning, and activities on Capitol Hill. (U)

The FBI's investigative interest in [redacted] was explained to [redacted] He advised [redacted] has never requested any questionable materials or acted in a way to arouse [redacted] suspicion about their relationship. SA [redacted] left his card with [redacted] who advised he would be in touch if [redacted] activities aroused suspicion in any future contacts. (U)

[redacted] (U)

FD-36 (Rev 3-24-77)

DOCUMENT # 23

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

Date 8/2/78

DECLASSIFIED BY 60267 NLS/BAW/Cam
ON 8-19-2003
03-R0763

TO: DIRECTOR, FBI
(ATTN: ROOM 6280, TRAINING AND RESEARCH UNIT, FOIPA BRANCH, RECORDS MANAGEMENT DIVISION AND INTFLLIGENCE DIVISION, CI-1 SECTION)

FROM: SAC, PORTLAND (190-1) (P)

Classified by SP2 RJS/sdb
Declassify on: OADR
Per 190-2854 8-14-98
304185

SUBJECT: GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT OF THE FREEDOM OF INFORMATION ACT (FOIPA) AND PRIVACY ACT (PA) ON LAW ENFORCEMENT ACTIVITIES; FOIPA MATTER

Re Bureau airtel to Albany, 6/16/78.

Enclosed for the Bureau are six copies of an LHM which is self-explanatory.

The dateline is shown as Washington, D. C., to afford appropriate protection to the asset, who is [redacted] b2 b7D

SI-137

XEROX
AUG 17 1978

REC-50 190-3-73

8-11
20 AUG 2 1978

10-5-81 SP4 JRm SAC

8-2-98 2 ENCLOSURE computer # 213,060

DATE

④ - Bureau (Enc. 6) 3cc 5 Enc D
2 - Portland (1 - 190-1)
SLH:cam
(6)

APPROPRIATE AGENCIES
DATE 10-21-81

CONFIDENTIAL

Approved _____ Transmitted _____ (Number) (Time) Per _____

FBI/DOJ

DOCUMENT # 24

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C.

In Reply, Please Refer to File No

60267 NLS/BAW/cam

August 2, 1978

[redacted]

GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT
OF THE FREEDOM OF INFORMATION
ACT (FOIPA) AND PRIVACY ACT (PA)
ON LAW ENFORCEMENT ACTIVITIES;
FREEDOM OF INFORMATION ACT MATTER

(U) On August 1, 1978, an informant of the FBI, who for the past eight years has provided highly reliable and valuable information concerning foreign counterintelligence (FCI), domestic security (DS) and criminal investigations, advised that he was no longer going to report FCI and DS information to the FBI. His decision not to furnish information in these matters was due to his fear of being compromised through any court decisions which may force the revealing of informant files, or as the result of the Freedom of Information Act. (U)

Specifically, informant referred to the recent orders by Judge Thomas Griesa in New York to U. S. Attorney General Griffin Bell to turn over informant files, and the Socialist Workers Party (SWP) suit against the FBI. Informant believed that the release of any FBI informant files would set a precedent and there would be no guarantee of confidentiality in the future. (U)

Informant stated that if in the future the courts and the government can assure complete confidentiality through future decisions and actions, he would consider assisting the FBI in its investigations concerning foreign counterintelligence and domestic security. (U)

[redacted]

Classified by [redacted]
Declassify on: OADR 8-14-90
304185

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

10-5-81
SP4 JRM-JAN
8-2-98
computer # 213,060

-1*-

190-3 - 73

[redacted] CONFIDENTIAL

ENCLOSURE

FD-36 (Rev 7-27-76)

FBI DOCUMENT # 20

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

8-19-2003
CLASSIFIED BY 60267 NLS/BAW/cam
DECLASSIFY ON. 25X 1
03-R0763

CONFIDENTIAL

Date

TO: DIRECTOR, FBI
(ATTN: ROOM 6280, TRAINING AND RESEARCH UNIT, FOIPA BRANCH, R.M. DIVISION)

FROM: ADIC, NEW YORK (66-8619) (P)

SUBJECT: GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT OF THE FOIA/PA ARE HAVING ON LAW ENFORCEMENT ACTIVITIES FOIPA MATTER

Enclosed for your information is one copy of an MEM Publishing Co. advertisement distributed at an Elvis Presley festival in NYC, 8/6/78.

Enclosure is another example of the commercial abuse of the Freedom of Information-Privacy Acts.

On 7/31/78, [redacted] advised contacting agent that because of the various articles he has read regarding the FOI/PA he no longer felt safe as an FBI source as he believed the FBI could not protect his identity. Source has thus made himself unavailable for future contact. b2 b7D

(C) [redacted] but was afraid that his confidentiality could not be protected and that the information he would furnish would be made a matter of public record. b1

V-1 REC-76 190-3-73X

ENCLOSURE ST-128

DE-61 10-11 AUG 9 1978

3 - Bureau (Encls. 1) (RM)
(1 - FOIPA) 2cc 8/8/78
1 - New York

JOC:mlg
(5)

CLASS & EXT
REASON
DATE OF REVIEW

10-5 6
3843 Ren → DR
8-8-98
Computer # 213,060

E.O.I.A.

Classified by
Declassify on: OADR
190-2354

CONTAINED
EXCEPT
SHOWN OTHERWISE

Approved: Transmitted (Number) (Time)

CONFIDENTIAL

GPO 1977 O - 225-539

DOCUMENT # 26

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

CONFIDENTIAL

In Reply, Please Refer to File No 8-19-2003 60267 NCS/BAW/cmm

Denver, Colorado
January 18, 1979

03-R0763

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

1) Information exchange between Federal, state and local law enforcement agencies:

There are no reported problems in this area. (U)

2) Law enforcement personnel's ability to obtain information from the general public: b1

(C) [redacted] were discussed with representatives from the company and the FBI was subsequently advised that the company was concerned about the Freedom of Information statute and had decided that they should have no relationship with the FBI in view of the fact it could seriously damage the company's relationship with other companies [redacted] that they were furnishing information to the FBI. (C)

In Denver, Colorado, investigation determined a fugitive wanted for Unlawful Flight to Avoid Prosecution - Escape, could possibly be reached at a certain telephone number. The local telephone company was requested to advise where this number was located. They subsequently advised that the telephone number was a non-published number and due to the Freedom of Information-Privacy Act (FOIPA) they could no longer furnish any information regarding non-published telephone numbers to the FBI. They advised the information could be obtained only after issuance of a subpoena. (U)

CONFIDENTIAL
Classified and Extended by: 2110
Reason: FCIM, II, 1-4.2 (2) (3)
Date Review for Declassification 1/18/1999

90-3-87

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IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Attempts to locate a fugitive wanted for Unlawful Flight to Avoid Prosecution - Murder determined that the subject could possibly be located through a Denver, Colorado telephone number. The Denver telephone company would not furnish the responsible party and address for the telephone number without a subpoena due to the FOIPA. (U)

3) Reduction in current informants or potential informants resulting from present Freedom of Information-Privacy Act disclosure policies:

There are no reported problems in this area. (U)

4) Miscellaneous:

There are no pertinent comments. (U)

DOCUMENT # 27

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Francisco, California

In Reply, Please Refer to File No

January 18, 1979

CONFIDENTIAL

IMPACT OF FREEDOM OF INFORMATION ACT (FOIA) AND PRIVACY ACT (PA) ON THE FBI

The following examples demonstrating the detrimental impact of captioned act on FBI operations are being submitted in general terms in order to protect sensitive information and identities. All incidents herein described are documented and retrievable through the San Francisco Office. (U)

INFORMAL EXCHANGE WITH OTHER LAW ENFORCEMENT AGENCIES

During the course of an investigation of alleged violations of the Racketeer Influenced and Corrupt Organizations (RICO) Statute involving Interstate Transportation of Obscene Material - Child Pornography, our Agents became aware of a parallel investigation being conducted by the Internal Revenue Service (IRS). A cooperative exchange of information between agencies would have, in all likelihood, eliminated duplication of work and resulted in a much more efficient and productive prosecutive effort. However, when approached by us, IRS advised that they are prohibited from exchanging information with the FBI and the provisions of FOIA-PA. As a result, San Francisco feels that a great deal of information relevant and probative to our case has been rendered unavailable. (U)

OBTAINING INFORMATION FROM THE GENERAL PUBLIC

In an ongoing investigation of allegations relating to the improper purchases of property under Federal Housing Authority programs, Agents have a continuing need for background information relating to subjects from various companies. We have recently been advised by a local utility that henceforth, such information will only be supplied pursuant to a subpoena. U

CLASSIFIED AND EXTENDED BY 7346 763
REASON FOR [illegible]
FCIM, II, [illegible] A (3)
DATE C[illegible] FOR DECLASSIFICATION: 1/19[illegible]

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CONFIDENTIAL

ENCLOSURE

They are concerned that their disclosure of such information to the FBI may be revealed pursuant to an FOIA-PA release, thus exposing them to some sort of civil liability. The utility sees the subpoena as the only way in which it can protect its own interest. (U)

A Fraud Against the Government investigation involving numerous violations of Title 18, U.S. Code, Section 1001 (False Statements) was instituted as a result of information provided to the FBI by a private citizen. At the time the allegation was made, complainant expressed great concern that her identity would be disclosed as a result of some future FOIA-PA request. The information was obtained only after an express promise to protect her identity was given by the interviewing Agent. (U)

Another Fraud Against the Government investigation involving false billing on government contracts as well as alleged improprieties in the awarding of contracts valued at several million dollars was also instituted pursuant to information from a private citizen. That information was only obtained upon an express promise by the interviewing Agent that the name and identity of the complainant would not be documented anywhere in out file. His reason for requesting such was that he did not believe that his identity could be absolutely protected in light of FOIA-PA. (U)

(C) [redacted] b1

The reason given for their rejection was that the company was concerned with adverse publicity which might result from disclosure that they had cooperated with the FBI. (U)

[redacted] (C)

b1

(C) [redacted] he referred our Agents to corporate legal for the purpose of obtaining permission. That permission was denied because under FOIA-PA the bank and employees identity could not be protected. In addition, the bank's chief legal counsel cited several examples wherein this type of cooperation had been exposed to the detriment of the corporation and its employee.

DOCUMENT # 28

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

CONFIDENTIAL

In Reply, Please Refer to File No

Sacramento, California
January 17, 1978

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

The following are examples submitted by Sacramento Division Agents regarding adverse effects of the Freedom of Information/Privacy Acts (FOIPA)

An Agent, while conducting an investigation to identify a child molester at Herlong, California, made contact with the county librarian regarding the molester The librarian could have identified the molester by reviewing her library cards but declined to do so because of the Privacy Act.

Pacific Telephone and Telegraph, Sacramento, requires subpoenas for all toll records The Department of Justice has rules that they will issue no Federal Grand Jury subpoenas for our Unlawful Flight to Avoid Prosecution classification except when actively investigating third parties for harboring

(C) [redacted] b1

[redacted] This individual, being patriotic, wanted to cooperate but due to his position in the community and extreme fear that the FBI would reveal his identity because of the FOIPA, he declined to furnish any information There is no question that he would have been an excellent [redacted] (C)

8-25-2003 CLASSIFIED BY 60267 NCS/BAW/Cam
DECLASSIFY ON: 20[illegible]
03-R0783

Classified by [illegible]
Declassify on: OADR 7-14-98

304125

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190-3-104

CONFIDENTIAL

FD-36 (Rev. 5-22-78)

DOCUMENT # 29

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ ~~Airtel~~	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS
		Date 1/22/79

CONFIDENTIAL

8-25-2003
CLASSIFIED BY 60267 NLS/BAW/caw
REASON: 15 (c)
DECLASSIFY ON: X 1
03-R0763

TO: DIRECTOR, FBI (~~190-3~~)
ATTN: Training and Research Unit
~~FOIPA Branch Room 6280~~

FROM: SAC, LOS ANGELES (190-255) (1) (P)

RE: ~~IMPACT THE~~
FREEDOM OF INFORMATION -
PRIVACY ACTS (FOIPA)
ARE HAVING ON LAW ENFORCEMENT
ACTIVITIES

Bureau airtel to Albany and all offices dated 12/18/78. The following examples of recent FOIPA Impact on FBI operations within the Los Angeles Division are being submitted for the Bureau's information:

REDUCTION IN CURRENT INFORMANTS OR POTENTIAL INFORMANTS RESULTING FROM PRESENT FOIPA DISCLOSURE POLICIES.

Recently two Special Agents of the FBI in Los Angeles contacted a former criminal informant. During this contact, the former criminal informant introduced the Special Agents to a young black man who was a street type person with limited education and who supposedly had information regarding an individual believed to be responsible for several bank robberies with the Los Angeles area. This individual

REC 50 190-3-127

EX-125 TAR 1cc routed FOIPA Branch 1/29/79 ECW

2 - Bureau
2 - Los Angeles

KAJ/sjl
(4)

24 JAN 1979

Classified by 3283 BTS/asf
Declassify on: OADR 8-14-90 304135
Per 190-28547-8

CONFIDENTIAL

Approved: ________ Transmitted ________ (Number) ________ (Time) Per ________

FBI/DOJ

refused to cooperate with the Special Agents because he was familiar with the provisions of the Freedom of Information Act and felt his identity might be disclosed and the person he was giving information about would learn of his identity. (This information is documented in Los Angeles file [redacted]

Recently another Special Agent of the FBI was in contact with an individual who had sigificant information regarding a large fraudulent withdrawal ring that was defrauding banks in several states including banks within the Los Angeles area. This individual advised that he did not wish to be developed as an informant and was extremely reluctant to furnish any assistance because of the FOIPA. The individual emphasized to the Agent that because of the FOIPA, it was his opinion that the FBI could no longer protect the identity of confidential sources. (This information is documented in Los Angeles file [redacted] b2 b7D

(C) Recently Los Angeles has had one highly placed informant [redacted] terminate his relationship with the FBI because he believed he could not be assured of confidentiality. (This piece of information is documented in Los Angeles file [redacted] (C) b1

(C) Recently another source of the Los Angeles Division [redacted] because these people were aware of the fact that their confidentiality might not be able to be protected by the FBI. Because of this information Los Angeles has requested a [redacted] (C)

MISCELLANEOUS

During the recent investigation of a theft of government documents case, the FBI, Los Angeles was supplied information which indicates that a former Special Agent

of the FBI, using his knowledge of Bureau operations acquired during his employment, has been able to identify informants from documents released under the FOIPA to a prominent attorney in San Francisco who represents groups which in the past have been investigated under domestic security captions.

FD-36 (Rev. 3-24-77)

DOCUMENT # 30

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☐ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

CONFIDENTIAL

CLASSIFIED BY: 60267 AUC/BAW/CLM
REASON: 1.5 (C)
DECLASSIFY ON: X1
8-25-2003
03-R0763

Date 1/15/79

TO: DIRECTOR, FBI (190-3)
(ATTN: TRAINING AND RESEARCH UNIT,
FOIPA BRANCH, ROOM 6280)

FROM: SAC, PHOENIX (190-1) (P)

SUBJECT: IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Director airtel to Albany, dated 12/18/78.

An example of a source's reluctance to cooperate with the FBI because of the FOIPA may be cited in Phoenix (C) [redacted] b1 The source, in later contact, expressed reluctance to furnish additional information because of the possibility of source's identity being exposed due to the FOIPA.

Recently, SA of the Phoenix Division attempted to obtain records from a local motel and was initially refused access to the records, the clerk expressing fear of release due to FOIPA, however, after some persuasion the information sought was made available.

EX-114 REC-115 190-3-135

1 cc retained TAR Unit, FOIPA Branch 1/18/79 ELW

22 JAN 17 1979

Classified by 3BTJ/08
Declassify on: OADR 8-14-90
2 - Bureau
2 - Phoenix
304785
190-23547-8

JFC:mto
(4)

CONFIDENTIAL

Approved: 57 MAR 9 1979 Transmitted ______ (Number) (Time) Per ______

FBI/DOJ

DOCUMENT # 31

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New York, New York
February 14, 1979

In Reply, Please Refer to
File No

General Accounting Office (GAO)
Study to Evaluate the Impact the
Freedom of Information Act/Privacy
Act are Having on Law Enforcement
Activities (FOIPA) Matter

S E C R E T

1) Information Exchange Between Federal, State and Local Law Enforcement.

No additional examples availabe. (U)

2) Law Enforcement Personnel's Ability to Obtain Information From the General Public.

b1

[redacted]

(S)

This information is provided on an informal confidential basis without customer authorization, administrative or judicial subpoena or search warrant. (S)

Subsequent to enactment of FOIPA legislation, the financial institutions have become increasingly concerned that any public disclosure of the aforementioned confidential relationship with the FBI could cause them loss of confidence and business in the international business community, as well as the possibility of becoming involved in an "international incident" that could impact on their ability to maintain and operate facilities abroad. (U)

S E C R E T

Classified by 1308
Exempt from GDS, Category 2&3
Date of Declassification
January 15, 1999

10-5-81
EXT BY SP4JRM -JAR
242 2,3
2-15-99
Computer # 213,060

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Classified by: DP8 BT3/ag
Declassify on: OADR 8-14-90
304185

8-25-2003
CLASSIFIED BY: 60267 NLS/BAW/Cam
REASON: 1.5 (c)
DECLASSIFY ON: X1
03-R0763

190-3-155

General Accounting Office Study
to Evaluate the Impact the Freedom of
Information Act/Privacy Act are Having
on Law Enforcement Activities (FOIPA) Matter

S E C R E T

Many New York financial institutions, in applying the United States Supreme Court decision (United States v. Miller) concerning the manner in which banks maintain the confidentiality of customer records, have recently sought and have been granted formal written requests signed by either the Director or Assistant Director in Charge (ADIC), New York, [redacted] (c) b1 [redacted] Title XI, Right to Financial Privacy Act of 1978, was signed into law on November 10, 1978 and becomes effective March 10, 1979. [redacted] (c)

While it is impossible to document the total impact these laws have had on overall investigative effectiveness, there has been a recent noticeable reluctance by the banks to furnish financial information in FBI investigations. Legal Departments of several New York banks are studying their disclosure procedures and it is the opinion of the NYO that financial information will become increasingly difficult, if not impossible to obtain. (5)(4)

3) Reduction In Current Information or Potential Informants Resulting From Present FOIPA Disclosure Policies.

No additional examples available.

S E C R E T

SECRET

DOCUMENT # 32

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION,
Los Angeles, California
February 15, 1979

In Reply, Please Refer to File No

03-R0763 6026 NS/Saul/Cam 8-25-2003 J 1

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

The following examples have occurred within the Los Angeles Division of the FBI and indicate an adverse impact upon the investigative operations of the Los Angeles Division by the Freedom of Information Act (FOIA) and the Privacy Act of 1974 (PA).

I. INFORMATION EXCHANGE BETWEEN FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES

During the investigation of an applicant for Executive pardon and clemency, the Los Angeles Division requested the Phoenix Division to contact the United States Probation Office in Phoenix to obtain the necessary file numbers so that Los Angeles could retrieve the applicant's probation records which were stored at the Federal Records Center, Laguna Niguel, California. Phoenix telephonically advised the Chief Probation Officer in the Phoenix area has refused to authorize the FBI to review the applicant's file at Laguna Niguel and would not make the necessary telephone call to appropriate personnel of the Federal Records Center so that a review could be conducted. The Chief Probation Officer further advised he would only release information regarding the applicant to the FBI if his office first reviewed the applicant's file. Chief Probation Office advised this was due to the FOIPA. (Los Angeles file 73-2422)

IV. MISCELLANEOUS

The following example, while not specifically dealing with the FOIPA, indicates general difficulty the Los Angeles Division is having in obtaining information due to problems of protecting the confidentiality of information supplied to the Los Angeles Division.

~~CONFIDENTIAL~~ 190-3- ENCLOSURE 159

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Recently, an established source of the Los Angeles Division was approached regarding information the source might have concerning a revolutionary group based in Los Angeles with foreign ties. The source expressed reluctance to offer information citing newspaper articles about the FBI being ordered by a judge to disclose the identity of its informants. (Los Angeles file [redacted] (C) b1

FD 3 (Rev 5-22-78)

FBI

DOCUMENT # 33

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☐ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

60267 NLS/BAW/cam
8-25-2003
03-R0763

Date 3/1/79

- ~~CONFIDENTIAL~~ -

TO: DIRECTOR, FBI (190-3)
ATTN: ROOM 6280, TRAINING AND RESEARCH UNIT,
FOIPA BRANCH, RECORDS MANAGEMENT SECTION AND
INTELLIGENCE DIVISION, CI-1 SECTION

FROM: SAC, PORTLAND (190-1) (P)

SUBJECT: GENERAL ACCOUNTING OFFICE (GAO)
STUDY TO EVALUATE THE IMPACT
OF THE FREEDOM OF INFORMATION ACT
(FOIPA) AND PRIVACY ACT (PA) ON
LAW ENFORCEMENT ACTIVITIES;
FOIPA MATTER

Classified by 2836 [illegible]
Declassify on: OADR
3DR 185 [illegible] 8-14-98
Pm 190-28547-3
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Re Bureau airtel to Albany, 6/16/78.

Enclosed for the Bureau are six copies of an LHM dealing with the Communist Party USA (CPUSA) members' requests for files under the FOIPA. (U)

The dateline on the enclosed LHM is shown as Washington, D.C. to afford additional protection to the asset, Portland 426-OA, PD file [redacted] (U)

10-5-81
SP4 JRM JAM
2
DATE OF [illegible]
3 1-59
Computer # 213,060

- ~~CONFIDENTIAL~~ -

Incorporated FOIPA Unit 3/8/79 ECW

b2
b7D

Classified and Extended by 4301
Reason for Extension FCIM II, 1-2.4.2 (2)(3)
Date for Review for Declassification 3/1/99

REC-6
EX-114 190-3-196
19
23 MAR 1979

2 - Bureau (Enc. 6)
2 - Portland (1 - 190-1)
(1 - [redacted]) (U)
EOI:kd
(4)

[illegible] STATES
[illegible] OF FBI
[illegible] DIRECTOR
SLIP (S) OF
DATE 10-21-81 Class

62MAR 231979

F.O.I.P.A.

Approved: AGB/MB Transmitted _____ (Number) _____ (Time) Per _____

DOCUMENT # 34

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D.C.

In Reply, Please Refer to File No

March 1, 1979

- ~~CONFIDENTIAL~~ -

03-R0763 8-25-2003 60267 NLS/BAW/CAM

GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT OF THE FREEDOM OF INFORMATION ACT (FOIPA) AND PRIVACY ACT (PA) ON LAW ENFORCEMENT ACTIVITIES; FREEDOM OF INFORMATION AND PRIVACY ACT MATTER

On February 22, 1979, a confidential source, of known high reliability, advised that at a state-wide meeting of a state organization of the Communist Party USA (CPUSA), held during the fall-winter of 1978-1979, an announcement was made by a long-time established Communist Party (CP) leader, encouraging all CP members to request their files from the FBI. This leader further stated that the request for their files by CP members was creating a real problem for the FBI and that all members should make this request if possible. Another member announced to the group that he had recently made such a request for his file from the FBI. Other members of this group have also made requests for their files from the FBI. ~~(C)~~(U)

The prime motivating force within this CP state organization to have the membership make requests for their files is a party member and a local practicing attorney. ~~(C)~~(U)

- ~~CONFIDENTIAL~~ -

10-5-81 SPUSRM-SAE 2

DATE OF REVIEW 3-1-99

computer # 213,060 Classified and Extended by 4301
Reason for Extension FCIM II, 1-2.4.2 (2)(3)
Date for Review for Declassification March 1, 1999

Classified by
Declassify on:

Sources whose identities are concealed herein have furnished reliable information in the past except where otherwise noted.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

190-3-196

FD-36 (Rev 7-27-76)

FBI DOCUMENT # 35

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

CONFIDENTIAL

Date 3/19/79

TO: DIRECTOR, FBI (190-3)
ATTENTION: TRAINING AND RESEARCH UNIT, FOIPA, ROOM 6280

FROM: SAC, DALLAS (66-1751)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
BUDED 3/19/79

Re Bureau airtel to Albany dated 12/18/78.

Enclosed for the Bureau are original and four copies of a letterhead memorandum dated and captioned as above.

The source of the cited examples are:

b1 1. [redacted] (C)

b7C 2. [redacted]
CIVIL RIGHTS
OO: DALLAS
DL 44-7575

3. UNSUB; THEFT OF 28 RIFLES FROM DAL WORTH SHIPPERS ASSOCIATION, DALLAS, TEXAS
TFIS
OO: DALLAS (15-12490)

4. [redacted] aka
ITSMV
OO: LOS ANGELES
DL 26-52063

3- Bureau (Enc. 5)
2- Dallas (1- 66-1751)
(1- 90-00)
UHS/wvm
(5)

CONFIDENTIAL

Classified by 0030T7/98 Declassify on: 304 185 8-14-98 190-2854

CLASSIFIED BY 60324 UC/BAW/GAN 8-25-2003
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

1 cc retained TAR Unit, FOIPA Branch 3/21/79 ECW

EX-112 REC-120 190-3-244

ENCLOSURE

15 MAR 28 1979

F.B.I.A.

Approved 58 APR 18 1979 Transmitted (Number) (Time) Per

GPO 1977 O - 225-539

DOCUMENT # 36

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Dallas, Texas
March 19, 1979

CONFIDENTIAL

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Classified by [redacted] b1
Declassify on: [redacted]
304185

Reduction in Current Informants or Potential Informants Resulting from Present FOIPA Disclosure Policies

1. [redacted] (C) advised that he did not desire to continue contact with any representative of the FBI or to furnish information, because of fears that his assistance might become known. The source stated that his concern was due to various media articles relating to actual or potential disclosure of information furnished confidentially to law enforcement agencies, resulting from implementation of the Freedom of Information and Privacy Acts.

Information Exchange Between Federal, State, and Local Law Enforcement Agencies

1. Permission was denied to interview several police officers concerning a civil rights investigation of a suburban Dallas, Texas police department by an assistant city attorney, who represented the officers, citing the Freedom of Information and Privacy Acts as possibly revealing statements which could be used against the city in any future civil suit.

Law Enforcement Personnel's Ability to Obtain Information from General Public

1. Confidential source information reflected that an employee of a large photographic company in Dallas, Texas

CLASSIFIED BY [redacted] C
REASON: [redacted]
DECLASSIFY ON: X1
03-R0763

CONFIDENTIAL

190-3-244

was going to purchase stolen rifles as a gift for her husband. Efforts to locate the home address of the employee were negative.

Attempts to obtain the address of the employee from the personnel department of her company were delayed because of fear the company might be sued for releasing such information, citing non-specific privacy legislation. The company required a subpoena to be issued to obtain the information.

2. An apartment manager in Dallas, Texas, would not furnish central records concerning a criminal suspect citing general privacy legislation. The apartment manager would not furnish the records without a subpoena.

FD-36 (Rev 3-24-77)

DOCUMENT # 36

FBI

TRANSMIT VIA
- ☐ Teletype
- ☐ Facsimile
- ☒ Airtel

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CONFIDENTIAL

CLASSIFICATION:
- ☐ TOP SECRET
- ☒ SECRET
- ☐ CONFIDENTIAL
- ☐ E F T O
- ☐ CLEAR

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 4/11/79

TO: DIRECTOR, FBI (190-3)
(ATTN: Training and Research Unit, FOIPA Ranch, Room 6280)

FROM: SAC, LOS ANGELES (190-255) (1) (P)

RE: ~~IMPACT~~ THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
BUDED 4/19/79

Re Bureau airtel to Albany and all offices dated 12/18/78.

Enclosed for the Bureau are three copies of an LHM captioned as above and setting forth examples of impact which have recently occurred within the Los Angeles Division of the FBI.

For purposes of retrieving the location of the examples submitted at a later date the following file numbers are being set forth which file numbers correspond in sequence to the examples in the LHM in the order in which they appear:

ICC retained TAR Unit, FOIPA Branch 4/16/79 ECW

ST-105
REC-4

190-3-257

4 APR 16 1979

(2) - Bureau (Enc. 3)
2 - Los Angeles

ENCLOSURE

KAJ/sjl
(4)

Classified by 20807 Jab
Declassify on: OADR 8-14-90
30485 Per 190-28547-8

E.F.T.O.

56 MAY 2 1979

CONFIDENTIAL

Approved _____ Transmitted _____ (Number) _____ (Time) Per _____

FBI/DOJ

8-25-2003 CLASSIFIED BY Gozalez Nydamcam
REASON 1.5 (C)
DECLASSIFY ON: X
03-R0763

CONFIDENTIAL

(w) (c) (c) b1

Los Angeles file [redacted] Bufile [redacted]
Los Angeles file 196-457
Los Angeles file 196-171, Bufile 87-140341

Los Angeles will continue to follow and report examples of impact in this area on a monthly basis.

CONFIDENTIAL

CONFIDENTIAL DOCUMENT # 37

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Los Angeles, California
April 11, 1979

IMPACT
THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

INFORMATION EXCHANGE AMONG FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Citing both the disclosure provisions of the Freedom of Information - Privacy Acts and the possible disclosure of information via Judicial Order, the Los Angeles Police Department has recently refused to supply the FBI, Los Angeles (C) b1 with the identity of it's sources [redacted] being conducted jointly by Los Angeles Police Department (LAPD) and the FBI because LAPD feared the FBI could not guarantee the source's anomymity.

In August, 1978, Los Angeles Division of the FBI requested the Boston Division of the FBI to obtain information from the Food and Drug Administration (FDA) regarding the failure and subsequent recall of a certain mechanical item utilized in open heart surgery. On or about March 8, 1979, the FDA advised the Boston Division of the FBI by letter that they were prohibited by law and regulations from disclosing certain information to persons outside of the Department of Health, Education and Welfare (HEW). The information which was provided by the FDA contained numerous deletions which according to the letter "In the opinion of the FDA, the information deleted need not be furnished to you under the Freedom of Information Act and

8-14-90
CLOSURE
CONFIDENTIAL

is not covered by your request". Because the Boston Division of the FBI was forced to obtain the FDA material via a Freedom of Information Act request, a long delay occurred in obtaining the information. The original request was made by the Boston FBI sometime in August or September, 1978 and was not released by FDA until March, 1979. The investigative matter being worked by Los Angeles involves the alleged counterfeiting of large quantities of high reliability integrated circuits utilized in sophisticated life support systems and medical equipment. One recent death has already been attributed to the failure of a counterfeit part contained in a mechanical device which failed during open heart surgery. The investigation is of a high priority nature and was delayed because of the time lapse in obtaining the information from FDA. In addition, the information deleated in the material finally supplied by FDA is considered to be critical to the prusuit of the investigation of this matter.

LAW ENFORCEMENT PERSONNEL'S ABILITY TO OBTAIN INFORMATION FROM THE GENERAL PUBLIC

During a recent investigation an individual who was interviewed by the Los Angeles FBI initially refused to supply information concerning the subject of the information because he felt his identity could not be protected under the Freedom of Information Act. After the individual received assurances that his statement would not be made available to the subject under a Freedom of Information Act request, the individual finally submitted to interview. The individual stated had he not received such assurance, he would have refused to cooperate with the FBI inasmuch as he feared revenge and retribution by the subject such the subject become aware of his cooperation with the FBI.

DOCUMENT # 38

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

St. Louis, Missouri
April 17, 1979

CONFIDENTIAL

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
ST. LOUIS DIVISION

In March, 1979, a Special Agent of the Federal Bureau of Investigation contacted [redacted] (C) b1 [redacted] The individual stated that he was reluctant to assist the Federal Bureau of Investigation because the organization had, in the past, released information and names to the public. The individual was asked by the interviewing Special Agent if he was referring to the "Freedom of Information Act," and this individual replied in the affirmative.

This interviewee advised that he was extremely concerned in this particular instance because [redacted] (C)

The interviewing Agent explained several of the "exemptions" to this individual assuring him that his identity could be protected, and the interviewee advised that based solely on this assurance, he would provide the information requested if it came to his attention. The interviewee gave the definite indication that he would not have agreed to cooperate if his identity could be known through the Freedom of Information Act.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency, it and its contents are not to be distributed outside your agency.

190-3-278

CONFIDENTIAL

FD-36 (Rev. 5-22-78)

DOCUMENT # 39

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☒ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS
		Date 4/19/79

SECRET

TO: DIRECTOR, FBI (190-3)
ATTN: RECORDS MANAGEMENT DIVISION,
TRAINING AND RESEARCH UNIT, ROOM 6280

FROM: SAC, WFO (190-1 Sub G)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

ReBuairtel, 3/20/79.

Enclosed are original and two copies of LHM dated and captioned as above.

b1

The interview was conducted in the investigation WFO file [redacted] (S)

SECRET

Classified and Extended by 42
Reason for Extension: FCIM, II, 1-2.4.2 (3)
Date of Review for Declassification: 4/19/99

REC-121

190-3-298

2 - Bureau (Enc. 3)
1 - WFO
EAW:mkg

(3)

icc returned TAR Unit, FOIPA Branch 4/23/79 ECW

24 APR 26 1979

8-25-2003
CLASSIFIED BY: 60262 NES/BAW/gmm
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

SECRET

Approved: 1979 Transmitted (Number) (Time) Per

DOCUMENT # 40

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Washington, D. C. 20535
April 19, 1979

b1

SECRET

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

PROBLEMS WITH CURRENT INFORMANTS OR POTENTIAL INFORMANTS

(S) [redacted] As the employee was deliberating, the controlling factor became the employee's concern that 20 or 30 years from now information furnished by the employee would be made public, thereby identifying the employee as has happened to other persons in recent times. The employee was not concerned with which release mechanism would cause this to come about, but the fear that it could happen caused the employee to decide not to cooperate. Special Agents plan to interview the employee again in a few weeks, but at the very least the FBI has been deprived of the invaluable information for several weeks until such time as the employee decides to cooperate.

SECRET

190-3-298

FD-36 (Rev 5-22-78)

FBI DOCUMENT # 41

TRANSMIT
- ☐ Teletype
- ☐ Facsimile
- ☒ AIRTEL

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

b1

Date 4/17/79

TO: DIRECTOR, FBI
(ATTN: TRAINING & RESEARCH UNIT, FOIPA BRANCH, ROOM 6280)

FROM: SAC, CHICAGO (190-0-Sub B)

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel to Albany and all offices dated 3/20/79.

Enclosed herewith for the Bureau are five (5) copies of a LHM captioned as above.

Chicago will follow and report all instances of FOIPA interference in FBI investigations. For certification as to the identity of the asset mentioned in part three, page two of the enclosure, the Bureau may refer to Bufile [redacted] (C)

ICC returned TAR Unit, FOIPA Branch 4/23/79 ECW

(2) - Bureau (Enc. 5)
1 - Chicago

ST-105 190-3-302

REC-121

RAF/daw
(3)

8-25-2003
CLASSIFIED BY 60267 NSS/BAW/Cam
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

Approved _____ Transmitted _____ (Number) (Time) Per _____

CONFIDENTIAL DOCUMENT # 42

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Chicago, Illinois
April 17, 1979

CLASSIFIED BY 60267 NLS/BAW/com
REASON 1.5 (C)
DECLASSIFY ON: X1
6-25-2003
03-0763

THE IMPACT THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Reference is being made to Bureau airtel dated March 20, 1979, requesting field office response to captioned matter.

The following information is being set out inasmuch as it exemplifies the effects of Freedom of Information-Privacy Acts (FOIPA) legislation upon investigative efforts of law enforcement personnel within the Chicago Division.

1. Information exchange between Federal, state and local law enforcement agencies:

Many examples have been cited whereby officials of the Veterans Administration (VA) have refused to provide background information concerning VA employees, many of whom have past criminal records. The VA bases their refusal on the Privacy Act as interpreted by their legal counsel.

In addition and as an extension of the above policy, a former police official at Lakeside VA Hospital, Chicago, who requests that his identity be protected, advised the FBI that he became aware of a knifing incident in which the victim came to the VA Hospital for care. Although this incident occurred off VA property, this official was told that notification to the Chicago PD was forbidden in such instances and he was forced to report the incident by an anonymous telephone call.

No specific FBI case number is available for citation regarding above.

8-16-90
304435

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CONFIDENTIAL 190-3-302

FBI/DOJ

2. Law Enforcement personnel's ability to obtain information from the general public:

In an investigation entitled "...DAPLI, U.S. District Judge [illegible] Northern District of Illinois (NDI), Chicago, Illinois (CG 77-22613), a high-ranking law enforcement official of the State of Illinois who is also a former Special Agent of the FBI declined to comment on a relative of the applicant, expressing concern that this derogatory information could later be made available to family members under the FOIPA.

3. Reduction in current informants or potential informants resulting from present FOIPA disclosure policies:

(C) [redacted] b1

however, the following exemplifies the confusion which FOIPA provisions have caused in the minds of some of our most valuable assets.

(C) [redacted] The asset declined to furnish this evidence to the FBI Agent contacting him, stating that his hesitancy is based on his fear of being "compromised via the Freedom of Information Act". The asset later offered to cut out the faces of the individuals under investigation in an effort to be of assistance but at the same time to protect himself from an FOIA release.

4. Miscellaneous

None submitted.

DOCUMENT # 43

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York

In Reply, Please Refer to File No

SECRET

General Accounting Office (GAO) Study to Evaluate the Impact the Freedom of Information/Privacy Act are Having on Law Enforcement Activities (FOIPA) Matter

1) Information Exchange Between Federal, State and Local Law Enforcement. b1

No additional examples available. (U)

2) Law Enforcement Personnel's Ability to Obtain Information From the General Public.

[redacted]

[redacted] (S)

8-25-2003
CLASSIFIED BY 60267 NLS/Baer/Carr
REASON 1.5 (C)
DECLASSIFY ON X 1
03-R0763

10-6-81
SPHJRM-JAR
2, 3
3-19-99
computer 13 213,060

SECRET

C & E 10169
Reason 2 and 3
DRD: 2/15/99

Classified by 282BIJ98
Declassify on: OADR 8-15-90
304185

GAO Study to Evaluate
the Impact the Freedom of
Information/Privacy Act are
Having on Law Enforcement Activities

b1

(C)

(C)

3) Reduction In Current Information or Potential Informants Resulting From Present FOIPA Disclosure Policies.

No additional examples available.

FD-36 (Rev 7-27-76)

FBI DOCUMENT # 44

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	CONFIDENTIAL ☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 4/16/79

Assoc Dir
Dep AD Adm
Dep AD Inv
Asst Dir
Adm Serv
Crim Inv
Ident
Intell
Laboratory
Legal Coun
Plan & Insp
Rec Mgmt
Tech Servs
Training
Public Affairs Off
Telephone Rm
Director's Sec'y

TO: DIRECTOR, FBI (190-3)
ATTENTION: TRAINING AND RESEARCH UNIT, FOIPA BRANCH, ROOM 6280)

FROM: SAC, SAN ANTONIO (190-00)

SUBJECT: IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel to Albany dated 12/18/78.

Enclosed for the Bureau are five copies of an LHM setting forth the only known example of an adverse impact of the Freedom of Information/Privacy Acts within the San Antonio Division for the past month.

ADMINISTRATIVE

The example set forth in the enclosed LHM concerns a case entitled, [redacted] b1

190-3-322

8-25-2003
CLASSIFIED BY 60262 NLS/SBAW/Conn
REASON 1.5 (C)
DECLASSIFY ON: X1
03-R0763

Incorporated TAR Unit, FOIPA Branch 4/26/79 cas

23 MAY 8 1979

ENCLOSURE

Classified by 60262 NLSTJ/SBAW
Declassify on: OADR
8-15-2003
FOIA-4
304185

(2-Bureau (Enc. 5)
1-San Antonio
BRG:rmm
(3)

62 MAY 16 1979

1* CONFIDENTIAL

Approved _____ Transmitted _____ (Number) (Time) Per _____

CONFIDENTIAL DOCUMENT # 45

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Antonio, Texas

In Reply, Please Refer to File No

April 16 1979

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

In early March, 1979, information was received [redacted] (C) b1 refused to divulge any information concerning the subject because of their belief that such disclosure, without the consent of the subject, would violate the provisions of the Privacy Act of 1974.

8-25-2003 60262 NLS/BAW/Com

03-R0763

Classified by [illegible] Declassify on OADR 3-15-98

304185

CONFIDENTIAL

190-3-322

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ENCLOSURE

FD-36 (Rev 3-24-77)

FBI **DOCUMENT # 46**

CONFIDENTIAL

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 4/24/79

TO : DIRECTOR, FBI

ATTN: TRAINING & RESEARCH UNIT, FOIPA BRANCH, ROOM 6280

FROM : SAC, MILWAUKEE (190-42)-P

SUBJECT : IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

O.F.O.I.P.A.

Re: 190-28547-? 304135

Classified by: [illegible] 8-1590
Declassify on: OADR

Re Bureau airtels to Albany, 12/18/78 and 3/20/79.

The following information was recently brought to the attention of the FOIPA Coordinator, Milwaukee Division, regarding two separate [redacted] which are presently being operated by a Milwaukee Agent. (C)

b1

[redacted] (C) who has furnished reliable information in the past, expressed concern to the Agent that the Agent might not be able to protect his (source's) identity, and the information he has furnished to the FBI. The source desired assurance that all possible steps to protect his identity and information furnished would be taken to prevent disclosure through the FOIPA requests made to the FBI.

Likewise, [redacted] (C) a source who has provided information of a reliable nature, stated that he was worried about his contact with and the information he has furnished to the FBI becoming public knowledge through the FOIPA requests made to the FBI. IC-110

190-3-323

EX-100

The above two examples are only at the present time concerns of the two Milwaukee sources, however, due to the impact of the FOIPA, this may have an effect upon the limitations of the information they will furnish in the future.

CLASSIFIED BY 60267 [illegible]
REASON 1.5 (C)
DECLASSIFY ON X1
8-25-2003
03-RD763

(1-1)
3-Bureau (RM)
1-Milwaukee
GAP:sbl
(4)

1 cc retained T&R Unit, FOIPA Branch 4/26/79 ccw

58

[illegible] 1979

CONFIDENTIAL

Approved ______ Transmitted ______ (Number) (Time) Per ______

53 MAY 16 1979

FBI/DOJ

FD-36 (Rev. 5-22-78)

~~CONFIDENTIAL~~ FBI

DOCUMENT # 47

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

Date 5/17/79

8-25-2003 60267 NLS/BAW/Cam
CLASSIFIED BY C
REASON
DECLASSIFY ON: X 1
03-R0263

TO: DIRECTOR, FBI (190-3) (ATTN: TRAINING AND RESEARCH UNIT-
FOIPA BRANCH, ROOM 6280)

FROM: SAC, BOSTON (190-168) (P)

SUBJECT: ~~IMPACT~~ THE FREEDOM OF INFORMATION - ~~PRIVACY~~ ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel, 12/18/78.

b1

(C)

SA b7C

was advised by that instructions had been issued by the General Counsel of the Sheraton Corp. to the effect that no guest registration data is to be furnished to the FBI, b2 or any other Federal agency without a subpoena as a result of the threat of disclosure imposed by the Freedom of Information - Privacy Acts. (C)(U)

SA pointed out to that the individuals in question are neither U.S. citizens nor permanent resident aliens, but only temporary visitors of interest to the FBI. The information desired was merely verification of registration. however, respectfully declined to furnish any data as instructed by their General Counsel. (C)(U)

REC-69 190-3-368

7 MAY 30 1979

2908

(3) - Bureau
2 - Boston
RJC/dw
(5)

Contained TAR Unit FOIPA Branch 5/21/79 SCW

2-3 5-17-99 FBI/DOJ

Approved: Transmitted (Number) (Time)

Per

~~CONFIDENTIAL~~

FD-36 (Rev. 5-22-78)

FBI DOCUMENT # 48

TRANSMIT VIA
- [ ] Teletype
- [ ] Facsimile
- [x] AIRTEL

PRECEDENCE
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

CONFIDENTIAL

Date 6/13/79

8-25-2003 CLASSIFIED BY 60267 NLS/BAW/lam
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO: DIRECTOR, FBI (190-3)
ATTN: ROOM 6280
TRAINING AND RESEARCH UNIT,
RECORDS MANAGEMENT DIVISION

FROM: SAC, BOSTON (190-168) (P)

SUBJECT: IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Buairtel 12/18/78 and BS airtel, 5/17/79.

Enclosed for the Bureau are five copies of an LHM on captioned matter.

No instances of adverse impact by FOIPA have been noted in the Boston Division during the past month.

The enclosed LHM sets forth in LHM form the example cited by Boston in airtel of 5/17/79, as requested by the Bureau. This example arose in the case captioned [redacted] b1

REC 2 190-3-328

25 JUN 15 1979

ENCLOSURE

3 - Bureau (Enc.5)
1 - Boston
RJC/jcf
(4)

Recontained TAR Unit, FOIPA Branch 6/18/79 ECW

Classified by [illegible]
Declassify on: OADR
304175
190-28547-8

Approved: 57 JUL 3 1979 CONFIDENTIAL Transmitted (Number) (Time) Per

FBI/DOJ

CONFIDENTIAL DOCUMENT # 49

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Boston, Massachusetts

June 13, 1979

CLASSIFIED BY 6026 NSG/BAW/ann
REASON
DECLASSIFY ON
03-R0763

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

b1

[redacted] a (C)

Special Agent (SA) of the Boston Office of the Federal Bureau of Investigation (FBI) was advised by [redacted] b7C that instructions had been issued by the General Counsel of the Sheraton Corporation to the effect that no guest registration data is to be furnished b2 to the FBI, [redacted] or any other Federal agency without a subpoena as a result of the threat of disclosure, imposed by the Freedom of Information-Privacy Acts. (C)

(C) [redacted] b1

[redacted] The information desired was merely verification of registration. [redacted] however, b7C respectfully declined to furnish any data as instructed by the General Counsel. (C)(U)

CLASS & EXT. BY SP4J2M-JAM 2
REASON FCIM II, 1.5
DATE OF REVIEW 6-13-99

CONFIDENTIAL

2908

6/13/99

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190-3-398

FD-36 (Rev. 5-22-78)

DOCUMENT # 50

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ ~~AIRTEL~~	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS
		Date 5/22/79

CONFIDENTIAL

TO: DIRECTOR, FBI (190-3)
(ATTN: ROOM 6280,
TRAINING AND RESEARCH UNIT,
RECORDS MANAGEMENT DIVISION)

FROM: SAC, DETROIT (190-200)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

~~Classified by 2038 Declassify on: OADR~~ 8-15-90 304123 PM 190-23547-8

b1

Re Detroit airtel to Bureau, 4/18/79.

[redacted] (C)

[redacted] (C)

A canvas of all supervisory personnel in the Detroit Division revealed no other problems in the area of FOIA/PA during this period.

1cc retained TAR Unit, FOIPA Branch 5/24/79 ecw

190-3-428

30

REC-128

ENCLOSURE

EO MAY ~~24~~ 1979

2 - Bureau (Enc. 5)
1 - Detroit
JHB:afk
(3)

CONFIDENTIAL

- CONFIDENTIAL MATERIAL ATTACHED -

8-25-2003
CLASSIFIED BY: 60267 NLS/BAW/lam
REASON: 1.5 (C)
DECLASSIFY ON: X1

Approved 66 JUL 23 1979 Transmitted (Number) 03-RD783 (Time) Per

DOCUMENT # 51

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Detroit, Michigan
May 22, 1979

Re: Impact the Freedom of Information - Privacy Acts are having on Law Enforcement Activities

Problems with Current Informants or Potential Informants

b1

[redacted] (C)

[redacted] (C)

(C) [redacted] recontacted the Agent and stated that he had decided not to assist the FBI because he felt that his identity might eventually be revealed under the Freedom of Information Act. He stated that he believes that the FBI's [redacted] are valid and necessary, but does not want to risk possible repercussions that would result if his assistance to the FBI became public knowledge. (C)

[redacted] (C)

CLASS. & EXT. ... SP4JRM
REASON ... 2,3
DATE ... 5-22-99

CONFIDENTIAL

1266

2-3 ALL INFORMATION

5/22/98

8-25-2003
CLASSIFIED BY 60267 NLS/BAW/cdm
REASON 1.4 (c)
DECLASSIFY ON X1
03-R0763

190-3-428

ENCLOSURE

FD-36 (Rev. 5-22-78)

DOCUMENT # 52

FBI

TRANSMIT VIA.	PRECEDENCE	CLASSIFICATION.
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

CONFIDENTIAL

Date 6/18/79

TO: DIRECTOR, FBI (190-3)
(ATTN: TRAINING AND RESEARCH UNIT,
FOIPA BRANCH, ROOM 6280)

FROM: SAC, CHICAGO (190-0-SUB B)

IMPACT THE FREEDOM OF
INFORMATION-PRIVACY ACTS ARE
HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel to Albany and all offices dated 3/20/79.

Enclosed herewith for the Bureau are five (5) copies of a LHM, captioned as above.

Chicago will continue to report instances of FOIPA interference in FBI investigations.

The source mentioned in LHM is [redacted] b1

(2) - Bureau (Enc. 5)
1 - Chicago

RAF/daw
(3)

Classified by [redacted]
Declassify on: OADR

ICC retained TAR Unit, FOIPA Branch 6/22/79 ECW

REC-105 190-3-430

24 JUN 22 1979

CONFIDENTIAL

8-25-2003
CLASSIFIED BY 60267 NCS/RHuffman
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

66 JUL 25 1979

Approved _____ Transmitted _____ (Number) (Time) Per _____

CONFIDENTIAL DOCUMENT # 53

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Chicago, Illinois
June 18, 1979

THE IMPACT THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT ARE HAVING ON LAW ENFORCEMENT ACTIVITIES.

Reference is being made to Bureau airtel dated March 20, 1979, requesting field office response to captioned matter.

The following information is being set out inasmuch as it exemplifies the effects of Freedom of Information-Privacy Acts (FOIPA) legislation upon investigative efforts of law enforcement personnel within the Chicago Division.

1. Information exchange between Federal, state and local law enforcement agencies:

   None submitted.

2. Law Enforcement personnel's ability to obtain information from the general public:

   None submitted.

3. Reduction in current informants or potential informants resulting from present FOIPA disclosure policies:

BU File [redacted] (C) b1
CG File

[redacted] b1

[redacted] are planning (C)
to request their individual files under the

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Freedom of Information Act. Asset stated that the forms needed for the release are in the possession of individual supporters and members. (S)(U)

Asset advised that this same project might possibly be going on in other cities. (S)(U)

The above is cited inasmuch as it reflects an asset's concern regarding the release of information under the FOIA. (X)(U) (Classified and Extended by 2080).

4. Miscellaneous

BU File 91-53018
CG File 91-11115

As the Bureau is aware, [redacted] b7C was convicted in United States District Court, Northern District of Illinois, in the case entitled [redacted] October 20, 1974; Bank Burglary; Bank Larceny; Interstate Transportation of Stolen Property; Explosives and Incendiary Devices; OO: Chicago". This conviction was upheld by the United States Court of Appeals and the United States Supreme Court.

[redacted] is now filing a post-appeal motion under Section 2255, Title 26, United States Code, and in this connection has requested material from the FBI, USA's Office, Chicago and Department of Justice, Washington, D.C. The material now being requested is in addition to the 1500 pages of material [redacted] has already received from the FBI under the FOIA, from which release he has filed an appeal.

The above is cited only inasmuch as it indicates the manner in which a convicted felon can continue to extract FBI time and manpower long after he has been successfully prosecuted in a major case - a situation believed to be beyond the intent of Congress at the enactment of the FOIA provisions.

FD-36 (Rev 5-22-78)

CONFIDENTIAL DOCUMENT # 54

FBI

TRANSMIT VIA
- [ ] Teletype
- [ ] Facsimile
- [x] AIRTEL

PRECEDENCE
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

Date 8/13/79

TO: DIRECTOR, FBI (190-3) CONFIDENTIAL
ATTN: RECORDS MANAGEMENT DIVISION, TRAINING AND RESEARCH UNIT, ROOM 6280

FROM: SAC, WFO (190-1 Sub G)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

ReBuairtel, 3/20/79.

Enclosed are original and two copies of an LHM dated and captioned as above.

b1 The example cited in the enclosed LHM is in connection with WFO file [redacted] (C)

CONFIDENTIAL

Classified and Extended by 45
Reason for Extension: FCIM II, 1-2.4.2 (2, 3)
Date of Review for Declassification: 8/13/99

ENCLOSURE

2 - Bureau (Enc. 3)
1 - WFO
MJB:mkg

(3)

CLASS & EXT BY SPUJRM-SAR
REASON-FCIM
DATE OF REVIEW 8-13-99

1 cc retained at TAR unit
1 cc of enclosure also retained at TAR

Approved MJW

CONFIDENTIAL

Transmitted (Number) (Time) Per

DOCUMENT # 58

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Washington, D. C. 20535
August 13, 1979

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

PROBLEMS WITH CURRENT INFORMANTS OR POTENTIAL INFORMANTS

[redacted] (C) b1

[redacted] identity might become known through accident or through the Freedom of Information Act.

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8-16-90
384185

CONFIDENTIAL

8-25-2003 60267 NLS/BAW/Cam

(C)

03-R0763

SECRET

FD-36 (Rev 3-24-77)

FBI

DOCUMENT # 59

TRANSMIT VIA
- ☐ Teletype
- ☐ Facsimile
- ☒ AIRTEL

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ E F T O
- ☐ CLEAR

CONFIDENTIAL

Date 10/15/79

8-25-2003
CLASSIFIED BY 60267 NLS/BAW/lam
REASON 1.5 (C)
DECLASSIFY ON: X 1
03-R0763

TO: DIRECTOR, FBI (190-3)
Attn: Room 6280
Training and Research Unit
Record Management Division

FROM: SAC, DENVER (190-60) (P)

IMPACT THE FREEDOM OF INFORMATION -
PRIVACY ACTS ARE HAVING ON
LAW ENFORCEMENT ACTIVITIES

8-16-98
304183

All paragraphs are unclassified unless noted.

Enclosed for the Bureau are five copies of an LHM regarding this matter.

Re Bureau airtels to Albany, 12/18/78 and 3/20/79.

The case referred to in the LHM is entitled as follows:

CLASS & EXT 10-8-81 SP4JRM-JAAC
REASON FCIM I 1-2 4.2 2,3
DATE OF REVIEW 10-15-99
Computer # 213060

b1

(U) [redacted] (C)

OO: BUREAU
(U) DN FILE [redacted] (C) (C)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

[redacted] (C)

2 - Bureau (Enc. 5)(RM)
1 - Denver
RSP/sip
(3)

CONFIDENTIAL
C&E by 2110
Reason (2)(3)
DRD 10/15/1999

CONFIDENTIAL MATERIAL ATTACHED.

CONFIDENTIAL

returned TAR unit

Approved: ______ Transmitted ______ (Number) (Time) Per ______

FBI/DOJ

CONFIDENTIAL DOCUMENT # 60

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION CONFIDENTIAL

In Reply, Please Refer to File No

Denver, Colorado
October 15, 1979

8-25-2003 60267 uc/baw/cum
03-R0763

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

All paragraphs are unclassified unless otherwise marked.

1) Information exchange among Federal, state and local law enforcement agencies:

There are no reported problems in this area.

2) Law enforcement personnel's ability to obtain information from the general public:

[redacted] (C) b1

3) Problems with current informants or potential informants:

There are no reported problems in this area.

4) Miscellaneous:

There are no pertinent comments.

Classified by 3042 SLD/JM
Declassify on: OADR 3/4/85

10-8-81 4 JRM-SAR 10-15-99 Computer # 213060

CONFIDENTIAL

Classified and Extended By: 2110
Reason for Extension: FCIM, II, 1-2.4.2 (2)(3)
Date of Review for Declassification: October 15, 1999

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CONFIDENTIAL

FD-36 (Rev. 5-22-78)

DOCUMENT # 61

FBI

CONFIDENTIAL

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ ~~AIRTEL~~	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 10/16/79

TO: DIRECTOR, FBI (190-3)
ATTENTION: ROOM 6280
TRAINING AND RESEARCH UNIT
FOIPA BRANCH
RECORDS MANAGEMENT DIVISION

FROM: SAC, PHILADELPHIA (190-96) (P)

SUBJECT: GENERAL ACCOUNTING OFFICE (GAO) STUDY TO EVALUATE THE IMPACT OF THE FREEDOM OF INFORMATION ACT (FOIPA) AND PRIVACY ACT (PA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
FOIPA MATTER

Re Philadelphia airtel to the Bureau dated 9/14/79.

Enclosed for the Bureau are the original and three copies of a letterhead memorandum reflecting difficulty which was encountered by the Philadelphia Division in regards to the Freedom of Information Act and the Privacy Act.

b1

The information provided in the ~~enclosed letterhead memorandum is from Philadelphia file~~ [redacted] OO: Philadelphia. ~~(U)~~ The Bureau file number is not available. (C) (U)

~~Classified by 3838 Declassify on: OADR~~ 30418 S ~~5 OCT 1979~~

ENCLOSURE

③- Bureau (190-3) (Encls. 4)
1 - Philadelphia (190-96)

PLM:pep
(4)

8-25-2003
CLASSIFIED BY: 60267 NS/BAW/cm
REASON: 1.5 (C)
DECLASSIFY ON: X 1
03-R0763

CONFIDENTIAL

Approved: ENB/MT Transmitted ______ (Number) (Time) Per ______

DOCUMENT # 62

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Philadelphia, Pennsylvania

October 16, 1979

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Reduction in Information from Current Informants or Potential Informants Resulting from Present FOIPA Disclosure Policies

b1

[redacted] (C)

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[redacted]

-1*-

8-25-2003 60267 NLS/STW/tam
CLASSIFIED BY C
REASON 1 C
DECLASSIFY ON 1
03-R0763

[redacted]

FD-36 (Rev 5-22-78)

DOCUMENT # 63

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☐ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

CONFIR

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 11/5/79

Exec AD Inv
Exec AD-Adm.
Exec AD-LES
Asst Dir.:
Adm Servs.
Crim Inv.
Ident
Intell
Laboratory
Legal Coun
Plan & Insp
Rec Mgnt
Tech Servs
Training
Public Affs Off
Telephone Rm
Director's Sec'y

TO: DIRECTOR, FBI (190-3)
(ATTENTION: TRAINING AND RESEARCH UNIT - FOIPA BRANCH, ROOM 280, JEH)

FROM: SAC, LOUISVILLE (190-79) (P)

#34

SUBJECT: IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Louisville airtel and LHM to Bureau, captioned [redacted] (C)

b1

Enclosed for the Bureau is the original and three copies of an LHM setting forth one instance in the Louisville Division wherein the FOIPA was the bases for refusal of furnishing pertinent information to a Bureau Agent [redacted] (C) and (C) referred to within instant LHM, is set forth in referenced airtel and LHM to be Bureau, dated 11/5/79.

[redacted]
304185

1 copy returned to Louisville

(2) - Bureau (Enc.4) [redacted]
2 - Louisville
CRH/rdl
(4)

CONFIDENTIAL

8-25-2003
CLASSIFIED BY: 60267 NLS/BAW/tam
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

Approved _____ Transmitted _____ (Number) _____ (Time) Per _____

DOCUMENT # 64

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Louisville, Kentucky
November 5, 1979

~~CONFIDENTIAL~~

[redacted]

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

MISCELLANEOUS [redacted] (C)

b1

[redacted] (C)

[redacted] (C)

8-25-2003 60267 NLS/BAW/Cam
C 1
03-R0763

~~8-16-90~~ 304185

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FD-36 (Rev 5-22-78)

DOCUMENT # 65

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

X CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 10/19/79

TO: DIRECTOR, FBI (190-3)
ATTN: RECORDS MANAGEMENT DIVISION, TRAINING AND RESEARCH UNIT, ROOM 6280

FROM: SAC, WFO (190-1 Sub G)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

ReBuairtel, 3/20/79.

Enclosed are original and two copies of an LHM dated and captioned as above. b1

The first example cited in the enclosed LHM is in connection with WFO file [redacted] (C)

The second example in the enclosed LHM is in connection with WFO file [redacted] (C)

8-25-2008
CLASSIFIED BY 60267 MLS/BAW/Cam
DECLASSIFY ON X 1 (C)
03-R0763

Classified by [redacted]
Declassify on: OADR 8-26-90

2 - Bureau (Enc. 3)
1 - WFO
MJB:mkg

(3)

Approved CRM Transmitted _____ (Number) (Time) Per _____

DOCUMENT 16

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Washington, D. C. 20535
October 19, 1979

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Law Enforcement Personnel's Ability to Obtain Information from the General Public

b1

[redacted] (C)

Problems with Current Informants or Potential Informants

(C) [redacted] an asset requested that his relationship with the FBI be terminated because he felt that the confidentiality of his relationship with the FBI could become compromised at some future time thru possible disclosure thru the Freedom of Information Act. Asset stated he understood the necessity of the FBI obtaining the information he might be able to provide, but he was fearful that his future career could be seriously affected should his relationship with the FBI become known.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside of your agency.

Classified by [redacted]
Declassify on: OADR
8-16-90
304185

8-25-2003
CLASSIFIED BY 60267 NKS/BAW/cm
REASON: C
DECLASSIFY ON: 1
03-R0763

CONFIDENTIAL

FD-36 (Pev 5-22-78)

DOCUMENT # 67

FBI

CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

Date 11/19/79

8-26-2003 60267 NLS/BAW/cam

C

DECLASSIFY ON: 1

03-R0763

TO: DIRECTOR, FBI CONFIDENTIAL
ATTN: RECORDS MANAGEMENT DIVISION
TRAINING AND RESEARCH UNIT, ROOM 6280

FROM: SAC, WFO (190-1 Sub G)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Classified by 304185
Declassify on: OADR 8-17-90

ReBuairtel, 3/20/79.

Enclosed are original and two copies of an LHM dated and captioned as above.

The example cited in the enclosed LHM is in connection with WFO file [redacted] (C) b1

CONFIDENTIAL

Classified and Extended by 45
Reason for Extension: FCIM II, 1-2.4.2 (2, 3)
Date of Review for Declassification: 11/19/99

2 - Bureau (Enc. 3)
1 - WFO
MJB:mkg

(3)

10-8-81 BY SP4JRM SPE 11-19-99 computer 213060

CONFIDENTIAL

Approved _____ Transmitted _____ (Number) (Time) Per 1 CC DETACHED

DOCUMENT # 68

UNITED STATES DEPARTMENT CONFIDENTIAL

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Washington, D. C. 20535
November 19, 1979

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

PROBLEMS WITH CURRENT INFORMANTS OR POTENTIAL INFORMANTS

(C) [redacted] b1

[redacted] Asset stated he believes the confidentiality of his relationship with the FBI cannot be sufficiently assured as a result of the Freedom of Information Act. Asset was fearful his family and friends might suffer and that he himself might be in jeopardy should his relationship with the FBI become known. [redacted] (C)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside of your agency.

8-26-2003
CLASSIFIED BY 60267 NLS/RAW/Cam
REASON 1.5 (C)
DECLASSIFY ON A-1
03-R0763

Classified by [redacted]
Declassify on: OADR 8-17-90
304185

CONFIDENTIAL

ENCLOSURE

FD-36 (Rev 5-22-78)

DOCUMENT # 1

FBI

TRANSMIT VIA
- ☐ Teletype
- ☐ Facsimile
- ☒ Airtel

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

CONFIDENTIAL

Date 12/17/79

TO: Director, FBI (190-3)
(Attn: Training and Research Unit, FOIPA Branch, Room 6280)

FROM: RAC, Albany (190-1 Sub B) (P)

SUBJECT: IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES - ALBANY DIVISION

Re Bureau airtel to Albany dated 12/18/78 and Albany airtel to Bureau dated 11/16/79.

For the information of the Bureau, on 12/10/79, during the course of a [redacted] investigation, one interviewee expressed severe reservations about speaking to Agents of the FBI about his business involvements because he felt his marketing position vis a vis his market place competitors could be severely jeopardized it a third party requested FOIA information and thereby realize his firm had given data to the FBI. b1

This businessman was entirely desirous of supporting the FBI's investigative interest and was entirely sincere in his demeanor. [redacted] This individual expressed his opinion that FOIA was a detriment to free society in America.

Albany will keep Bureau advised on a monthly basis, per instructions as set forth in re Bureau airtel.

3 - Bureau
1 - Albany
MWO:pac
(4)

CONFIDENTIAL

8-26-2003
CLASSIFIED BY 60267 NLS/BAW/cam
REASON: 15 (C)
DECLASSIFY ON: X
03-R0763

Approved _____ Transmitted _____ (Number) (Time) Per _____

)-36 (Rev 5-22-78)

DOCUMENT # 70

FBI

TRANSMIT VIA.
- ☐ Teletype
- ☐ Facsimile
- ☐ ~~AIRTEL~~

PRECEDENCE.
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 12/18/79

TO. DIRECTOR, FBI (190-3)
(ATTN TRAINING AND RESEARCH UNIT
FOIPA BRANCH, ROOM 6280)

FROM. SAC, ST. LOUIS (66-2764)

SUBJECT: IMPACT THE FREEDOM OF INFORMATION-
PRIVACY ACTS ARE HAVING ON LAW
ENFORCEMENT ACTIVITIES
ST. LOUIS DIVISION

Re SL airtel to Bureau, 11/15/79.

Enclosed for Bureau is an original and three copies of Letterhead Memorandum, the source referred to is

[redacted] (W) b2

b7D

Classified by [redacted]
Declassify on: OADR
3-20-96
304185

2- Bureau (Encls. 4)
1- St. Louis
HN/dlk
(3)

~~CLASSIFIED MATERIAL ATTACHED~~

Receipt of LHM detached and sent to Dan Dawson by BBB 1/18/80.

DECLASSIFIED BY 60267MSI/Bmd cam
ON 8-26-2003
03-R0763

Approved RBK/gtl Transmitted _____ (Number) _____ (Time) Per _____

DOCUMENT # 71

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

St. Louis, Missouri
December 18, 1979

SECRET

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
ST. LOUIS DIVISION

On October 29, 1979 a source of the St. Louis Division of the Federal Bureau of Investigation reported that members of the Harriet Tubman Club, a Communist Club of the Missouri District of the Communist Party of the United States of America, were considering making Freedom of Information Act Requests to obtain Federal Bureau of Investigation files on individual members.

SECRET
Classified and Extended by 4279
Reason for Extension FCIM, II, 1-2.4.2 (2&3)
Date of Review for Declassification December 18, 1999

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)-36 (Rev. 5-22-78)

DOCUMENT # 72

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T
		☐ UNCLAS

CONFIDENTIAL

Date 2/20/80

TO: DIRECTOR, FBI
(ATTN: ROOM 6280, TRAINING & RESEARCH UNIT,
RECORDS MANAGEMENT DIVISION)

FROM. SAC, DETROIT (190-200)

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Detroit airtel to the Bureau, dated 1/21/80.

[redacted] b1

[redacted] (C)

[redacted]

[redacted] (C)

Detroit has not encountered any additional problems in captioned area during this reporting period (1/20/80-2/19/80).

Detroit will continue to monitor this survey closely and keep Agents in the Detroit Division alert as to the importance of making problems known to appropriate personnel.

(2) - Bureau
1 - Detroit
JWA/nip
(3)

Classified by 6026 NSI/BAW/am
Declassify on: OADR
304185

CONFIDENTIAL
1 CC DETACHED

16 FEB 20 1980

E.O.A.

Approved OFL/am Transmitted _____ (Number) (Time) Per _____

FBI/DOJ

8-26-2003 6026 NSI/BAW/am
CLASSIFIED BY
REASON: 1.5 (C)
DECLASSIFY ON: X-1
03-R0763

FBI

DOCUMENT # 73

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 2/22/80

TO DIRECTOR, FBI (190-3) (ATTN RECORDS MANAGEMENT DIVISION, TRAINING AND RESEARCH UNIT, ROOM 6280)

FROM SAC, WFO (190-1 SUB G)

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel dated 3/20/79.

Enclosed are the original and two copies of an LHM dated and captioned as above.

The example in the enclosed LHM is in connection with WFO file [redacted] (C)

b1

Classified by [redacted]
Declassify on: OADR

8-26-2003
CLASSIFIED BY 60267 NLS/BAW/Cam
REASON: 1.5 (C)
DECLASSIFY ON X1
03-R0763

(2) Bureau (Enc. 3) [redacted]
1- WFO

MJB.so
(3)

CONFIDENTIAL

1 CC DETACHED

Approved _____ Transmitted _____ (Number) (Time) Per _____

DOCUMENT # 74

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Washington, D. C.
February 22, 1980

In Reply, Please Refer to File No.

CONFIDENTIAL

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

PROBLEMS WITH CURRENT INFORMANTS OR POTENTIAL INFORMANTS

(C)

[redacted] b1

Asset advised that while they desired to cooperate with the Federal Bureau of Investigation, the action was taken to avoid law suits which may arise as a result of Freedom of Information Act requests

8-26-2003
CLASSIFIED BY 60267 NLS/RWL/a
REASON: 1.5 C
DECLASSIFY ON: X 1
03-R0763

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CONFIDENTIAL

DOCUMENT # 75

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Washington, D. C.
February 22, 1980

In Reply, Please Refer to File No

IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

PROBLEMS WITH CURRENT INFORMANTS OR POTENTIAL INFORMANTS

[redacted] b1

Asset advised that while they desired to cooperate with the Federal Bureau of Investigation, the action was taken to avoid law suits which may arise as a result of Freedom of Information Act requests.

8-26-2003 60267 NLS/BAW/Cam

03-R0763

8.20.90
304185

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

DOCUMENT # 76 b7C [redacted]

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

TO SAC, TAMPA (190-1 Sub 5) DATE: 2/12/80

FROM SA [redacted]

SUBJECT: FOI-PA

In connection with Tampa case entitled, [redacted] b1 (C) as well as its attorney, insisted they would not release such information without a subpoena, even though RTFPA does not require same.

The above is another clear indication of the adverse effects that FOI-PA and its resulting philosophy has had on investigative responsibilities of FBI.

In opinion of Tampa, there appears to be a need for an educational process to be initiated by FBIHQ throughout the field and on to various companies regarding the impossibility of obtaining a valid subpoena in FCI cases where the objective is not prosecution. In the alternative, FBIHQ should initiate some efforts to develop a procedure whereby an Administrative Summons or some type of Administrative "Subpoena" may be furnished to these agencies and companies that are not complying with RTFPA and insist on receiving a "subpoena" even in FCI cases where none can be validly issued.

(1) - Tampa
JJO/bam
(1)

Declassify on: 8-22-90
190-285[illegible]-8

8-26-2003
CLASSIFIED BY: 60267 uc/baw/cam
REASON: 1.5 (C)
DECLASSIFY ON: X 1
03-R0763

1*

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CONFIDENTIAL DOCUMENT # 27

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

TO : SAC, TAMPA (190-1 Sub 5)   DATE: 1/18/80

FROM : SA [redacted] b7C

SUBJECT: FOI-PA

Declassify on: OADR 304185

During recent conversations with FOI-PA Analyst [redacted] and SA [redacted] it was disclosed there is presently no Sub file to function as a repository for information regarding difficulties that SAs encounter during their investigative duties in obtaining information from various individuals and institutions because of FOI-PA. b7C

FBIHQ requests each field division to submit information regarding any difficulties encountered as referred to above and [redacted] has been furnishing such information to Bureau utilizing main file (190-1). b7C

In view of the above and after consultation with [redacted] and SA [redacted] it is recommended that a new Sub File 5 be opened as a repository for type information mentioned above.

In line with the above recommendation, the writer wishes to submit the following two incidents which occurred during the course of official FCI investigations and in both cases, information was denied SAs because of restrictions in FOI-PA, although particular reference to FOI-PA was not mentioned by personnel contacted:

(C) During course of investigation, Tampa File [redacted] (C) (Bufile [redacted]), WFO conducted inquiry with Merchant Vessel Personnel Division, 2100 2nd Street Southwest, Washington, D. C. (presumably Federal agency) and after personnel at that office verified that according to SSAN Number furnished by SA, the subject was identical with merchant seaman in their records, SA was advised that no additional data regarding subject could be furnished without a "release from subject" or a "subpoena from U. S. District Court, District of Columbia, Washington, D. C." b1

The other incident involved Tampa case [redacted] (C) (Bufile not available) wherein Miami Division covered lead at INS concerning [redacted] (C) Miami airtel 1/4/80, advised INS informed Miami SA that "due to recent Federal Court decisions

2 - Tampa
(1 - 190-1)
JJO/bam
(2)

CONFIDENTIAL

8-26-2003 03-R0763 6026 7NLS/BAW/CAW

CONFIDENTIAL

TP 190-1 Sub 5

concerning [redacted] b1

[redacted] (C)

CONFIDENTIAL

DOCUMENT # 78

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Please Refer to

Washington Field Office
Washington, D. C. 20535
May 20, 1980

IMPACT THE FREEDOM OF
INFORMATION-PRIVACY ACTS ARE
HAVING ON LAW ENFORCEMENT ACTIVITIES

INFORMATION EXCHANGE AMONG
FEDERAL, STATE AND LOCAL LAW
ENFORCEMENT AGENCIES

[redacted] (C)

b1

[redacted]

[redacted] (C)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

8-26-2003 60267 NLS/BAW/cam

C 1

03-R0763

~~CONFIDENTIAL~~

IMPACT THE FOIPA ARE HAVING
ON LAW ENFORCEMENT ACTIVITIES

b1

[redacted] (c)

Problems with Current Informants
Or Potential Informants

[redacted] (c)

[redacted] (c)

[redacted] (c)

WFO Airtel to Director
RE: IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS
ARE HAVING ON LAW ENFORCEMENT ACTIVITIES
190-3
ADDENDUM: FOIPA BRANCH, RECORDS MANAGEMEMENT DIVISION, 6/16/80, CM:oe

b1

[redacted] (E)

[redacted] (E)

No further action is required by Headquarters.

FD-36 (Rev. 5-22-78)

DOCUMENT # 29

FBI

TRANSMIT VIA
- ☐ Teletype
- ☐ Facsimile
- ☒ Airtel

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 8/15/80

TO: DIRECTOR, FBI (190-3)
(Attn: Training and Research Unit,
Records Management Division, Room 6280)

FROM: SAC, SPRINGFIELD (190-23)

SUBJECT: IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel to Albany, 3/20/79.

Enclosed for the Bureau is the original and three copies of a letterhead memorandum pertaining to captioned matter. The incident arose in connection with Springfield file [redacted] (C) b1 no Bureau file number available.

Canvass of employees of the Springfield Division did not reveal any other incidents occurring during the month of 7/15/80 through 8/15/80 concerning captioned matter.

8-26-2003
CLASSIFIED BY: 60267 NLS/BAW/Cam
REASON 1.5 (C)
DECLASSIFY ON: X
03-R0763

2 - Bureau (190-3)(Enc. 4)
1 - Springfield (190-23)
DJC/dc
(3)

[redacted] AUG 18 1980

CONFIDENTIAL

1 CC DETACHED
RETAINED TAR UNIT

Approved: _____ Transmitted _____ (Number) (Time) Per _____

☆ U.S. GOVERNMENT PRINTING OFFICE 1980-305-750/5402

DOCUMENT #80

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Springfield, Illinois
August 15, 1980

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

b1

Law Enforcement Personnel's ability to obtain information from the general public.

(C) [redacted] The individual refused to provide any additional information because of the Freedom of Information Act - Privacy Act. This person commented that Congress could enact legislation making information public and identifying sources. He therefore did not want to run the risk of having his name later appear in the media as having furnished information to the Federal Bureau of Investigation.

8-26-2003 60262 MS/BAW/cam

CLASSIFIED BY [redacted]

DECLASSIFY ON: [redacted]

03-R0763

Classified by [redacted]
Declassify on: OADR

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CONFIDENTIAL

[redacted]

FD-36 (Rev. 5-22-78)

DOCUMENT # 81

FBI

TRANSMIT VIA
- ☐ Teletype
- ☐ Facsimile
- ☒ AIRTEL

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

SECRET

CLASSIFICATION
- ☐ TOP SECRET
- ☒ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Date 10/21/81

8-26-2003
CLASSIFIED BY 60267 NKS/BAW/Ca
REASON 1.5 (C)
DECLASSIFY ON X1
03-R0763

TO : DIRECTOR, FBI (190-3)
(ATTN: TRAINING & RESEARCH UNIT
FOIPA SECTION, RMT DIV.)

FROM LFH/ECW : SAC, NY

SUBJECT : IMPACT OF THE FREEDOM OF INFORMATION/
PRIVACY ACTS ON LAW ENFORCEMENT ACTIVITIES

For the Information of the FOIPA Section, RMT Division, the following is set forth as an example of the adverse impact upon the Bureau's FCI responsibilities of the FOIA:

[redacted] b1

[redacted] (S)

[redacted] concern of a future release of FBI documents under the FOIA which could reveal the extent of his cooperation with the Bureau. This occured even after the protections of Title 5, U.S.C. Section 552 (b) (1) regarding the protection afforded classified material was explained to him. The asset remains cooperative and will be in a position to provide pertinent information to the Bureau, but the maximunm benefit of this opportunity has been lost due to the FOIA. (X)

190-3-475

3 - Bureau (RM) (S)
(1 [redacted])
2 - NY (190-) (C)
1 - [redacted] (ADM)

29
10 OCT 23 1981

1414
223

ECW:rac
(6)

Classified by [redacted]
Declassify on: OADR
8-22-90
304185

10/21/2001

Re-removed at TAR visit Rm 6280 10/23/01 RPD

SECRET

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

☆ U.S. GOVERNMENT PRINTING OFFICE 1980-305-750/5402

DOCUMENT # 82

SECRET

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [x] AIRTEL

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

Date 3/24/82

8-26-2003
CLASSIFIED BY 60267 NLS/BAW/cam
REASON: 1.4 (c)
DECLASSIFY ON: X1

03-R0763

TO: DIRECTOR, FBI (ATT'N: TRAINING AND RESEARCH UNIT, FOIPA BRANCH, ROOM 6280)

FROM: SAC, CHICAGO (190-0-Sub B)

IMPACT OF FOIPA
ON LAW ENFORCEMENT
ACTIVITIES [redacted]

Re Bureau airtel to Albany and all offices dated 3/20/80.

Enclosed for the Bureau are five copies of an LHM captioned as above.

For the information of the Bureau, the unidentified subject mentioned in the accompanying LHM is involved in Chicago case entitled, [redacted] (S) b1

190-3-483

2 - Bureau (Encl. 5)
1 - Chicago
THB:mfs
(3)

MAR 29 1982

Classified by DB/JB/TJ/OB
Declassify on: OADR 8-22-98

F.O.I.A.

SECRET

Approved: EDW

Transmitted ________ (Number) (Time) Per ________

DOCUMENT # 83

U.S. Department of Justice

Federal Bureau of Investigation
Chicago, Illinois 60604

In Reply, Please Refer to
File No

SECRET

March 24, 1982

THE IMPACT OF THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT ON LAW ENFORCEMENT ACTIVITIES

The following information is being set out inasmuch as it exemplifies the effects of the Freedom of Information - Privacy Acts (FOIPA) legislation upon investigative efforts of law enforcement personnel within the Chicago Division:

(S) [redacted] b1

[redacted] the subject of the interview raised the question of protection of his identity and of the information provided in view of the provisions of the Freedom of Information Act. The subject had in mind the incident wherein information was released to Chicago Attorney Melvin Stein. This release resulted in a lawsuit and much infavorable publicity. The identity of the Bureau's asset was ultimately revealed.

The subject was advised that the information in that instance was classified and should not have been released. It was explained that it was only through an oversight and procedures have been put in place to prevent any future occurances. It is not known at this time if this explanation has put the subject's fears to rest, as his cooperation is not yet assured.

1*

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SECRET

1-26-2003
CLASSIFIED BY 60267 NLS/BAW/cam
REASON: 1.5 (C)
CLASSIFY UNTIL
3-A0763

190-3-483

ENCLOSURE

FBI/DOJ

Memorandum

DOCUMENT # 07

~~SECRET~~

Exec AD Adm ___
Exec AD Inv' ___
Exec AD LES ___
Asst Dir ___
Adm Servs ___
Crim Inv ___
Ident ___
Intell ___
Laboratory ___
Legal Coun ___
Plan & Insp ___
Rec Mgmt ___
Tech Servs ___
Training ___
Off of Cong & Public Affs ___
Telephone Rm ___
Director's Sec'y ___

To [redacted] b7C Date 6/3/83

From [redacted]

Subject IMPACT THE FREEDOM OF INFORMATION-PRIVACY ACTS (FOIPA) ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

Purpose: To record receipt of attached submissions from the Intelligence Division regarding captioned subject.

Details: Attached are three pages of submissions from the Intelligence Division submitted to the FOIPA Section for use in briefing the Director for his testimony before the Subcommittee on the Constitution, Senate Judiciary Committee, on April 21, 1983. All three submissions are entitled "Impact of FOIPA on Asset Development" and all are classified SECRET. The submissions were furnished by the [redacted] b1 The latter two were not dated. (S)

One copy of each has been made and is retained in the TAR Unit.

Recommendation: That the attached material be filed as an enclosure behind file to this memorandum in Bufile 190-3.

Classified by: [redacted] 3-22-90
Declassify on: ORDR 304185

BBB:csc (2)

ENCLOSURE ATTACHED

3- ENCLOSURE

190-3-486

~~SECRET~~ SECRET MATERIAL ATTACHED

10 JUL 14 1983

8-26-2003
CLASSIFIED BY: 60267 NVS/BAM/cam
REASON: 1.5 (C)
DECLASSIFY ON: X 1
03-R0763

7 AUG 3 1983

SECURITY PROGRAMS UNIT

DOCUMENT # 87

SECRET

[redacted] (S)

RE: NEGATIVE IMPACT OF FOIPA ON FBI ASSET DEVELOPMENT

This communication is classified "Secret" ~~in its entirety~~.

[redacted] (S)
(U) 00: N[redacted]
BUFILE [redacted] (S)

[redacted] (S)
(U) 00: N[redacted]
BUFILE [redacted] (S)

b1

[redacted]

[redacted] S-1 (S)

[redacted] (S)

[redacted] (S)

It is obvious FOIA had a "chilling effect" on these interviews.

8-26-2003
CLASSIFIED BY 60267 NLS/BAW/cam
REASON: 1.5 (C)
DECLASSIFY ON: X1
03-R0763

~~2-23-98~~ 8-22-98
304185

SECRET

Classified by 1541
Declassify on: OADR

FOI,PA #304185
APPEAL #
C.
E.C. #12356 - 08
DATE 8/22/90
Source - ABB. Gov. Agency

copy made for unit 6/4/83 BBB

UMENT # 86

~~SECRET/WNINTEL~~ 2/10/83

RE: IMPACT ~~ON~~ of FOIPA ON ASSET DEVELOPMENT

During January, 1983, [redacted] advised SA [redacted] that he planned to contact [redacted], Labor Attache, and other Soviets at the Soviet Embassy concerning some academic research. [redacted] stated that he was willing to provide results of his meeting with FBIHQ but he did not want to be designated as a symbol number source of the Washington Field Office. [redacted] stated that he has provided information to the FBI in the past; however, due to an FOIPA mistake his name was released and this has caused some embarassment to him. (S) ~~(S)~~(U)

b7C

[redacted] provided negative comments concerning FOIPA on asset development to [redacted] during January, 1983. He stated that he was once an informant for the Bureau and that his name was inadvertently released and he is now involved in the National Lawyers Guild lawsuit. [redacted] comments related to the difficulty the FBI must be having in developing quality assets who are not afraid of being exposed through FOIPA. (FBI files do reflect [redacted] was an informant until we discontinued his services.) (~~S~~)(U)

11

60267 NKS/BAW/cam
8-26-2003
03-R0763

~~SECRET/WNINTEL~~

Classified by 353
Declassify on: OADR

~~Classified by~~ ~~Declassify on: OADR~~ ~~8-23-90~~ ~~304185~~

py made and
ned in TAR Unit
BBB 6/2/83

#2

DOCUMENT # 81

SECRET

8-26-2003
CLASSIFIED BY 60267NLS/BAW/Cam

03-R0763

HEREIN ... EXCEPT WHERE SHOWN OTHERWISE

[redacted] (S)

RE: NEGATIVE IMPACT OF FOIPA ON FBI ASSET DEVELOPMENT

b1

This communication is classified "Secret" ~~in its~~ entirety.

[redacted] (S)

[redacted] (S)

[redacted] (S)

SECRET

Classified by 9954
Declassify on: OADR

One copy made & retained in TAR unit. BBB 6/2/93

~~2088DI5/98~~
8-2-90
304185

#2

36 (Rev 8-26 82)

FBI

DOCUMENT # 88

TRANSMIT VIA
- ☐ Teletype
- ☐ Facsimile
- ☒ airtel

PRECEDENCE
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

CONFIDENTIAL

Date 4/17/84

TO: DIRECTOR, FBI (ATTENTION: TAR UNIT)

FROM: SAC, NEWARK (190-00)

FREEDOM OF INFORMATION - PRIVACY ACTS (FOIPA) MATTERS

Re Bureau routing slip dated 3/19/84.

In response to reference Bureau routing slip, the following substantive problems were noted by investigative personnel of the Newark Office:

Newark file [229B-7] Bureau file 100-3 (CPUSA) certain individuals contacted as potential assests have refused to cooperate because FOIA might make their cooperation known. b7C

For your information, during the [redacted] investigation (Newark file 88A-12741, Bureau file 88-80874) numerous FBI documents were found in her prison cell which were obtained through FOIA. It is felt that many of these documents should never have been provided for her, as they contained sensitive information, as well as the identity of local police officers.

Classified by DSB 8-22-90
Declassify on: OADR
3 04 85

190-3-495

One cc maintained at TAR Unit BBB 7/3/84

7-6

23 [redacted]

(3) Bureau
1-Newark
ADB/cn
(4)

DECLASSIFIED BY 60242 MLS/BBB/cm
ON 8-26-2003
OT-R0243

Approved JC/als Transmitted _____ Per _____
(Number) (Time)

66 JUL 23 1984

CONFIDENTIAL

DOCUMENT # 89

CONFIDENTIAL

II. INFORMATION EXCHANGE BETWEEN FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES

A. FEDERAL AGENCIES

U. S. Department of Commerce

In early 1977, in a foreign counterintelligence matter, the Department of Commerce, Washington, D. C., refused a request from the Tampa Division to disclose a list of export products destined for the Soviet Union. As a result of this refusal, which the Department of Commerce based upon the FOIA, an experimental investigative approach had to be discontinued.

Federal Deposit Insurance Corporation (FDIC)

The failure of a bank in Denver, Colorado, had resulted in FDIC receivership to liquidate the assets. Fraud was suspected within the bank. Although this matter was referred for FBI investigation, bank records in the hands of the FDIC could not be reviewed without a subpoena. The FDIC cited provisions of the Privacy Act for refusing access.

Federal Bureau of Prisons

In 1975, a bank robbery suspect at Los Angeles was determined to be an escapee from the Federal Prison at Terminal Island, California. The suspect was a known heroin user, who had been employed and treated in a federally-funded narcotics prevention program. The program supervisor was contacted in order to obtain any information to locate the escapee. Due to federal privacy legislation, the supervisor declined to furnish any information concerning the escapee from the program files.

Military Installations

Approximately a year and a half ago, a disbursing officer at Fort Carson, Colorado was incorrectly continuing to send payments to a deserter. The officer declined to furnish the address of the deserter to FBI Agents because of his understanding of the FOIPA laws.

8-26-2003 60267 NS/BAW/ca
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DECLASSIFY ON:
03-R0763

- 1

In Savanah, a request was made by Army Authorities to determine the status of a possible deserter subject. In an effort to establish the subject's unit assignment, a military hospital was contacted and verified the subject was a patient. The hospital refused to release the subject's unit assignment or other information regarding his status, due to provisions of the Privacy Act.

An attempt by the Savanah office was made to contact the owner of a weapon which had been entered into NCIC, to determine if it had been recovered. As the owner had been in military service, the Army Personnel Office was requested to furnish his separation address. That Office advised the record subject had requested his forwarding address not to be released, under the Privacy Act. Accordingly, this forwarding address was not furnished to the FBI.

*

An individual, his wife and child had assumed the identity of a retired military family. Through this identity they received medical care at numerous military hospital facilities including Fitzsimons U. S. Army Hospital at Denver, Colorado. According to the Army, information in the files at Fitzsimons could not be obtained due to the Privacy Act, without a "Letter of Need" or subpoena, although the loss at Fitzsimons alone exceeded $12,000.

*

In a civil rights investigation at Newport, Rhode Island, the victim was treated by a Navy physician assigned to the United States Naval Regional Medical Center, Newport. Agents determined from the staff at the Medical Center that the physician had been discharged from the service. However, citing the Privacy Act, the staff would not provide his forwarding address.

*

During investigation of a civil rights violation at Memphis, Tennessee, it was determined a witness might be assigned to a nearby Naval Air Station. The base was contacted to verify whether or not the witness was an enlisted man assigned to that facility. However, military spokesmen declined to furnish any information, based on the Privacy Act. Subsequent independent investigation determined the witness was in fact a navy enlisted man attending a specialized class at the naval base. Nevertheless,

the chief petty officer in charge of the class still declined to confirm the witness was in his class, based on a possible violation of the Privacy Act. In order to make this witness available for FBI interview, it was necessary to contact the Base Commander's Office.

National Aeronautics and Space Administration (NASA)

An employee of the General Counsel's Office, Kennedy Space Center, Cape Kennedy, Florida, was contacted in order to obtain the last known address for a former employee and refused to release this information, referencing "Privacy Act" restrictions.

U. S. Postal Service

On December 15, 1977, while conducting a fugitive investigation, a Special Agent of the Milwaukee Division requested a Postal Service employee to direct him to Route 5, Rice Lake, Wisconsin. Replying he feared it might be a violation of the Privacy Act for which he could be subject to a $5,000 fine and a civil suit, the postal employee declined either to furnish geographic location of Route 5 or to answer any further FBI questions.

Securities and Exchange Commission (SEC)

In an Unlawful Flight to Avoid Prosecution investigation, records pertaining to the subject of the investigation were requested from the Securities and Exchange Commission. The SEC delayed release of the information twenty-four hours in order to examine the ramifications of the Freedom of Information Act.

Social Security Administration

In December 1975, an FBI fugitive investigation led to a possible current address of the fugitive in files of the El Paso Social Security Office. Local Social Security representatives advised the fugitive's address in file could only be released under subpoena. However, when subpoena was issued by the U. S. District Court, El Paso, Texas, An SSA

regional attorney advised information requested in SSA files was not subject to subpoena under U. S. Code. It was suggested a relative of the fugitive cooperating with the FBI could go to the Social Security Office in El Paso and apply under the FOIA for the fugitive's address. In January, 1976, a cooperating family member by Freedom of Information request was given by SSA all the information the FBI had unsucessfully requested.

*

Recently, the Plattsburgh, New York Resident Agency received information from the New York State Police (NYSP) concerning a possible Fraud Against the Government: An individual was allegedly receiving full Social Security disability payments, but the NYSP were in possession of documentation showing this individual was working full time. However, based on provisions of the Freedom of Information-Privacy Acts, the chief of the local Plattsburgh Social Security Office declined to furnish any information concerning the individual or his possible receipt of SSA disability payments.

U. S. Treasury Department

In an FBI fugitive investigation, the subject's father was determined to be a U. S. Treasury Department employee in San Francisco. After several weeks delay, while agency attorneys were consulted concerning Privacy Act considerations, the FBI was finally permitted to review a personnel status form from the father's file in hope of locating a current address for the subject. Applicable personnel regulations required that the form be updated every twelve months; however, the father's form was dated 19 months previously and contained only the subject's pre-fugitive address. The form delinquency was pointed out to the agency, with the FBI's suggestion an "update" by the employee might provide the needed address to locate his fugitive son. The agency took this matter under advisement for several weeks, and later informed the FBI the Privacy Act required the FBI's investigative interest be divulged to the father if he were asked to update his personnel status form. Consequently, this line of investigation was discontinued.

Internal Revenue Service (IRS)

During a recent Strike Force Operation which included the FBI and IRS in Wilmington, North Carolina, the U. S. Attorney's Office requested information from prior tax returns of the subjects of this joint investigation. Despite approval of the Strike Force Attorney, and the Regional Office of IRS in Atlanta, Georgia, the FOIA officer of IRS in Greensboro, North Carolina, refused to turn over the requested tax records based on his interpretation of the Privacy Act. He expressed fear of being sued at some future date if he disclosed the records, and only produced them after a two-month delay upon direct order from a senior IRS official.

Veterans Administration

In an Interstate Transportation of Stolen Motor Vehicle investigation, the only lead available to the location of a witness was information the witness was an outpatient at the Veterans Administration Hospital in Indianapolis, Indiana. Officials at the Hospital confirmed the witness' outpatient status, but refused to furnish the witness' address, citing the Privacy Act.

*

The following article appeared in a recent edition of the Commercial Appeal, a local Memphis, Tennessee, newspaper:

"Police complained yesterday that they were not contacted by Memphis Veterans Hospital officials about a 58-year-old stabbing victim who entered the hospital June 7, until after the patient died Wednesday.

"Lt. Don Lewis, assistant homicide squad commander, said the patient, Tom Echols of 1577 Airways, 'probably could have told us who had stabbed him or at least what the circumstances were if we'd only known about the case.

'As it was, we didn't get any word about the stabbing until after he died and now, if it turns out to be ruled a homicide, we're stuck with a mystery murder we'll have to work from scratch.'

"Echols complained to hospital doctors of severe abdominal pain when he entered the hospital and doctors said they found an old abdominal stab wound when they operated on him. He died at the hospital at 3:02 p.m. Wednesday.

"Lewis said that when asked why the hospital failed to contact police about the stab wound, hospital authorities said that they did not want to violate the federal privacy laws.

"No ruling had been made on the death late yesterday."

B. STATE LAW ENFORCEMENT AGENCIES

Agents who work on a frequent basis with the Indiana State Police Intelligence Unit have advised this unit has expressed concern about sharing their sensitive informant information with any Federal agency because of the disclosures being made under the FOIA and PA. The ISP Intelligence Unit continues to exhibit a cooperative attitude when dealing with known and trusted Federal Agents; however, they have advised they do not desire to be contacted for information by Agents who are not personally known to them. Their rationale is that they can trust the Agents they know to properly conceal the identity of their informants, even if the information were to be later released under the FOIA or PA.

*

The Phoenix FBI Office has noted a trend to exclude Agents working organized crime matters from key intelligence meetings in the Phoenix area. Several state law enforcement officers have mentioned a concern for the security of information in connection with FOIPA disclosures as the reason for the closed meetings. Phoenix undertook efforts through meetings with state and local law enforcement agencies to improve their understanding of the FOIA and PA legislation. These efforts have not met with complete success.

*

The Attorney General for the State of Maine has advised he intends to follow a policy concerning the release of state records to be in conformity with the FOIPA. Consequently, in applicant background investigations, Maine State Police arrest records concerning relatives of applicants are not made available to the FBI.

*

The State of Texas has a privacy act entitled the Texas Open Records Act, which is patterned after the Federal Freedom of Information Act. This Act limits access by federal investigators to certain records, including civil rights investigations.

C. LOCAL LAW ENFORCEMENT AGENCIES

Due to FOIA and the Privacy Act, difficulty has been experienced on several occasions in obtaining information from the New York City Police Department (NYCPD). Some officers have stated their reluctance to make information available concerning subjects of local investigation because of these Acts. The Organized Crime Control Bureau and the Intelligence Division of the NYCPD have expressed concern over the FBI's ability to protect sources of information.

*

In a Boston civil rights investigation, in which the subject was a former employee of a Rhode Island law enforcement agency, the head of that agency advised subject's personnel file contained several previous complaints concerning his alleged brutality. However, the agency refused to make the personnel file or information contained in it available to the FBI, out of fear the subject would have access to this information under the Privacy Act.

*

In a recent civil rights investigation, an effort was made to obtain a copy of a Utica, New York Police Department report of the victim's death. Local authorities would make the report available for review but declined to provide a copy for inclusion in the FBI's investigative report. Anticipating a civil suit would be filed against the city and police department arising from the victim's death, they questioned the ability of the FBI in view of the FOIA and PA to maintain the local report in confidence.

*

A representative of the Los Angeles Police Department Intelligence Division has stated he is very reluctant to furnish information regarding possible domestic revolutionaries. He is fearful such information could inadvertently be released pursuant to the FOIPA.

*

A detective of the Union County Prosecutor's Office, Elizabeth, New Jersey, was contacting his local sources relative to the whereabouts of a former Elizabeth resident who is now a federal fugitive charged with murder. The detective said his sources and contacts in the Cuban community in Elizabeth were reluctant to provide information in this federal case or others because of the fear of disclosure under the FOIA.

*

The following letter was directed by the Chief of Police in Portland, Oregon, to the FBI:

Dear Mr. Barger:

With respect to FBI files being made accessible to persons or organizations pursuant to the Privacy Act or the Freedom of Information Act, I request that all investigative records of information, from whatever Portland Bureau of Police source (including the Portland Police Bureau as an organization, its employees, etc.), in your files be protected and kept confidential.

If such protection cannot be assured to this organization by the FBI, we will only be able to cooperate in the exchange of non-sensitive, non-confidential information. The Portland Bureau of Police would not be able to pass on sensitive information to the FBI without this assurance of confidentiality, and the effectiveness of the working relationship between our organizations would be greatly diminished.

Very truly yours,

B. R. Baker
Chief of Police

*

Former Los Angeles Police Chief Edward Davis stated in the early part of 1977, that if any information is released by federal law enforcement agencies as a result of a request under the FOIPA, which indicated that the source of information was the Los Angeles Police Department, he would no longer allow his department to furnish information to any federal law enforcement agencies.

*

A representative from the Criminal Conspiracy Section of the Los Angeles Police Department has stated his section is very reluctant to discuss information concerning possible intelligence operations of the LAPD. The representative stated he feared this information could inadvertently be released by the FBI to an individual pursuant to his FOIPA request.

*

In civil rights matters, officers of the Greensboro, North Carolina, Police Department have been cautioned by their departmental attorneys that, when interviewed as subjects by FBI Agents, they should respectfully decline to furnish any information based on the 5th Amendment. They have been cautioned further that any statement they do make to the FBI would be subject to disclosure under the FOIPA.

*

The Little Rock Police Department and the North Little Rock Police Department will not share their informants and, more importantly, a substantial amount of their informant information on federal violations, for fear an informant will be disclosed accidentally by the FBI through a request in connection with the Freedom of Information-Privacy Acts.

*

It has been observed the exchange of information among local police, state and federal investigators at the monthly meetings of the Columbia, South Carolina area Police Intelligence Organization has decreased substantially. Because of uncertainty over what information may meet FOIA or PA disclosure criteria, there is very little information exchanged at these meetings.

*

In the latter part of 1976, the FBI Milwaukee Office experienced a reduction in the information that could be obtained from Milwaukee Police Department records relating to cases other than applicant matters. For a short period of time, only limited investigative information would be released to the FBI; however, an understanding was formulated whereby any arrest record not reflecting a conviction would not be disseminated outside the FBI. To maintain relationship with the Milwaukee Police Department, this understanding is still incorporated in Milwaukee investigative communications.

*

Since the Spring of 1976, the New Orleans Office of the FBI has encountered an express reluctance by the New Orleans Police Department and Jefferson Parish Sheriff's Office Intelligence Units to cooperate in furnishing written information to the FBI on security, as well as criminal, matters. A member of the NOPD Intelligence Unit stated that, despite past FBI assurances that all intelligence information would be considered confidential, it had been learned a former black activist, who had made an FOIA request to the FBI was furnished a copy of an intelligence report previously furnished to the FBI by the NOPD. Although this document did not reveal the identity of any NOPD informant, that local agency advised it had no choice but to decline to furnish further written information to the FBI, in order to prevent this situation from arising again.

*

In the course of a fugitive investigation, a Cleveland FBI Agent was denied information contained in City of Cleveland employment records, due to the Privacy Act. Subsequently, the Cleveland Agent was able to obtain these records through a federal search warrant which was served on Cleveland City Hall. However, because of delays required to obtain the search warrant, the Cleveland Agent missed apprehending the fugitive at his place of employment.

D. FOREIGN LIAISON

In recent conversations with two members of the [redacted] in an investigation concerning copyright matters, these officers stated they did not furnish all information to the Federal Bureau of Investigation as they had in the past, due to the Freedom of Information Act. b7D

*

[redacted] b1 (C)

declined to actively assist the FBI because of the fear of seeing his name in the newspapers. He advised the promise of confidentiality by law enforcement in today's political environment is worthless.

*

A citizen who has close contact with a foreign police agency discontinued his association with the FBI because he feared that, under the FOIA, information might be released which would identify either himself or this foreign police agency.

*

In the past two years, several Agents have had contact with foreign police representatives visiting the United States. These representatives have come from Western countries, some of which have experienced internal problems with terrorism, including Great Britain, France, Canada and Norway. These police representatives generally offered the observation that, despite their high regard for the reputation and professionalism of the FBI, they believed (one said it was sadly amusing) all of the fine efforts of the FBI are sometimes diluted, if not negated, when the investigative results have to be furnished under the FOIPA to the subjects of investigations. This same dismay over restrictions on the FBI was relayed by a person who traveled to Israel and visited the Israeli Police.

III. ABILITY OF LAW ENFORCEMENT PERSONNEL TO OBTAIN INFORMATION FROM THE GENERAL PUBLIC

A. AIRLINES

In an FBI case, United Airlines at Seattle, Washington, had accepted a stolen check for airline passage. As United Airlines computers indicated to the ticket agent the check was stolen, the airline refused to issue the ticket which had been completed by the ticket agent. During the course of FBI investigation, United Airlines was requested to surrender the completed but unused ticket as evidence; however, the company declined to make the ticket available to the FBI due to the FOIPA.

B. APARTMENT OWNERS

A Richmond Division clerical employee, who is also employed by an apartment complex, advised this memorandum was prepared by the apartment manager relative to release of confidential information concerning tenants:

"In response to many of your questions, our attorneys have advised us to follow this procedure:

1) "NO POLICEMAN OR OTHER SIMILAR OFFICIAL IS TO BE ADMITTED TO ANY RESIDENT'S APARTMENT WITHOUT A SEARCH WARRANT.

2) "NO POLICEMAN OR OTHER SIMILAR OFFICIAL IS ALLOWED TO SEE A RESIDENT FILE WITHOUT A SEARCH WARRANT OR A SUBPOENA.

3) "ALL SUCH OFFICIALS MUST SHOW IDENTIFICATION.

"We cannot give out the following information:

1) Resident's income
2) Resident's outstanding bills
3) Resident's method of payment

"We can give out the following information:

1) Resident's address
2) Resident's marital status
3) Resident's forwarding address

"Please be courteous to all police officials. However, explain to them that you are prohibited from releasing confidential information.

"If you have any questions about this procedure, contact your rental coordinator."

"Resident Managers must circulate this memo to all employees."

C. BANKS

Citing the Privacy Act, a large Denver bank would not make available details of a particular financial transaction without a subpoena, although the bank was the vehicle in a possible 2.2 million dollar fraudulent ITSP transaction.

A former president of another Denver bank obtained loans using fraudulent financial statements. The former employer bank would not make available to the FBI the personnel file, the loan file, or the results of the internal audit regarding the president's activities, based on the Privacy Act. This information was not available from other sources.

*

In a major Fraud by Wire investigation including RICO ramifications, General Counsel for Wells Fargo Bank, San Francisco, advised that even though the subject of the investigation was in present default with the bank, no records would be made available to the FBI without a subpoena duces tecum. The General Counsel stated it was possible the subject might at some future time enter into negotiations with the bank removing himself from a default position, at which time the bank would place itself and its officers in a position of great liability. According to the General Counsel, this liability would be based upon the fact the Privacy Act had prohibited the bank from releasing information to the FBI without a subpoena duces tecum.

*

During an investigation concerning disappearance of $1,000 from a Los Angeles bank, investigating Agents contacted a senior vice president to request background information on a particular suspect bank employee. The vice president advised that, due to recent federal and state privacy legislation, he could not furnish personnel information concerning this employee, as he feared that the employee might then have grounds to file a law suit for invasion of privacy.

*

In an investigation originating in Chicago involving false statements to an estimated 50 to 65 banks resulting in 3.8 million dollars in law suits, the San Francisco FBI Office served a subpoena for bank records at Wells Fargo Bank, San Francisco, and additionally made request to interview bank officers who had been personally contacted by subjects. Wells Fargo, a victim of the scheme, would not permit the requested interviews without additional subpoenas directed to the officers involved. By way of explanation, the bank advised the Privacy Act prevented discussion of any information concerning a bank customer without subpoena.

*

In a recent Honolulu investigation regarding Interstate Transportation of Stolen Property, an Agent was denied information contained in bank records which would have been of lead value in locating the subject. The bank personnel, including the vice president, cited the Privacy Act as basis for refusal to disclose this information, which would have indicated where the subject was cashing bad checks.

*

In an investigation involving almost $800 worth of bad checks, a request was made to review and obtain certain bank records at El Paso National Bank relating to the subject's checking account. An assistant cashier at the bank denied the request, citing the Freedom of Information Act and Privacy Act. This erroneous denial of information resulted in a two-month delay in the investigation.

*

An individual obtained a loan on home improvements insured by the FHA. The loan was defaulted and the State National Bank of Odessa, Texas, made a claim and was paid by the FHA. During subsequent investigation by the FBI, the State National Bank of Odessa, Texas, refused to furnish the FBI any information concerning the loan without a subpoena. The reason given for the denial of information was the Freedom of Information Act and the Privacy Act.

*

The First National Bank of Midland, Texas, was the victim bank in a Bank Fraud and Embezzlement - Conspiracy case. Losses suffered in this case were approximately $476,000. Bank officials advised that under bank policy, which was based on the Freedom of Information and Privacy Acts, they would furnish no information to the FBI without a subpoena duces tecum.

D. CREDIT BUREAUS

Citing the Privacy Act, Cleveland Credit Bureau personnel refused to furnish information regarding a fugitive's address and employment, which could have enabled the FBI to apprehend him. The Credit Bureau advised that such information would be released to the FBI only upon the issuance of a subpoena.

*

The policies of the Credit Bureau of Greater Houston, influenced and shaped by the impact of the Freedom of Information and Privacy Acts, have limited the information that is available to the FBI, as follows:

(a) In applicant cases, even when waiver forms have been executed by the applicants, the Credit Bureau will not identify businesses where the applicants have delinquent accounts.

(b) In criminal cases, the Credit Bureau will not identify businesses where the subjects (or other pertinent individuals) have applied for credit.

*

One of the larger collection agencies in St. Louis, Missouri, has refused to furnish information regarding individuals who are subjects of FBI investigations, and has specifically stated this reluctance is based on the FOIPA.

E. EDUCATIONAL INSTITUTIONS

In June 1978, a state university registrar was contacted for assistance in obtaining student documentation for an undercover Special Agent. The registrar declined to cooperate in the investigation, commenting his cooperation

would require him to knowingly misrepresent the university. He explained the Privacy Act was very clear as to what he could or could not do: he was even prevented from furnishing information to parents of students, even when the parents were entirely paying for their child's education.

*

Agents of the Honolulu Office, in criminal investigations, are unable to gain access to registration and/or academic records of current and prior students at the University of Hawaii. The only information available is public source information which is contained in the Student Directory. The explanation for denial of access by University of Hawaii personnel is the Privacy Act.

*

During the fall of 1977, an SA of the Mobile Division was conducting a background investigation involving a Bureau applicant. The applicant's attendance at a community college in Alabama was verified but the agent experienced difficulties obtaining detailed information, even though the applicant provided the FBI with the required release. School officials refused to provide the agent with the names of the applicant's former instructors and attributed their position to the Privacy Act.

*

During a Civil Rights inquiry recently, a local university student stated incidentally that she was taking a Government course in which the professor gave extra credit to students who requested files on themselves from the FBI. The student herself received extra credit, even though the FBI responded to her FOIPA request that no files were located identifiable to her name.

*

Arizona State University officials have adopted an official policy of non-cooperation with investigators since the enactment of the Freedom of Information and Privacy Acts. This policy is carried out at all levels of the University's administration. Prior to the Freedom of Information-Privacy Acts, the University was most cooperative.

*

At Boulder, Colorado, in connection with applicant type investigations, there have been instances in which individuals displayed a reluctance to furnish derogatory information after being advised of the provisions of the Freedom of Information Act, even though it was pointed out that their identities could be protected. No information has been available from the Office of Records and Admissions, University of Colorado, Boulder, except in those instances where a signed release was provided.

*

During a recent Foreign Counterintelligence investigation, college records concerning the subject were unavailable without a release from the subject or a subpoena, due to fear of violation of the FOIPA. Personnel at the motel where the subject stayed would furnish only limited information concerning this individual, due to the FOIPA.

*

In connection with a fugitive investigative matter, a transcript supervisor at a major upper-midwest university advised on April 16, 1976, that in the opinion of the university administrators, no information could be released to Agents of the FBI concerning the fugitive without his consent in the form of a signed release granting authority to do so. The position of the University was said to be in compliance with provisions of the Privacy Act legislation.

*

In a recent FBI fugitive investigation, information was developed that the fugitive might be a student at State Technical School, Memphis, Tennessee. This institution was contacted and informed the investigating agent that, as a result of the Privacy Act, no information from records could be released to the FBI. The institution would not confirm whether or not the fugitive was currently a student.

*

During the investigation of an $11,000 Bank Fraud and Embezzlement violation, the University of Texas at El Paso was contacted regarding the subject. UTEP officials refused to disclose whether or not the subject was a veteran receiving VA educational benefits. The UTEP administration cited the Freedom of Information and the Privacy Acts as the reason for not providing the requested VA information. This denial of information resulted in a two-month delay in the investigation.

F. HOSPITALS AND PHYSICIANS

In an applicant investigation at Auburn, Alabama, a waiver was provided the FBI to obtain medical records concerning hospitalization at the health center of an educational institution there. The school physician refused to provide any information either to the FBI or to the applicant, even after the latter personally went to the health center to sign a second waiver drawn by the school. The office of the school president advised refusal to release information was due to the Privacy Act.

*

An individual identified as operating a check kite scheme with banks in Indiana, Ohio and Pennsylvania had been hospitalized in a St. Louis hospital. Investigation determined this individual had initiated his check-kite scheme from a hospital telephone. Nevertheless, hospital officials, citing the FOIPA, refused to verify his hospitalization or date of confinement.

*

In an FBI fugitive case, the Agent attempted to obtain background data on the fugitive from a private hospital in Indianapolis, where he had been a former patient. Hospital officials expressed the belief that Federal Privacy Law inhibited them from verifying the subject's status as a former patient, much less releasing background information on him.

G. HOTELS

A hotel in San Diego which is a part of a large nationwide hotel chain refused to furnish information on guests, including foreign visitors, without a subpoena due to the enactment of the FOIPA.

*

During a fugitive investigation of a subject wanted by federal and local authorities for extortion and firearms violations, a Special Agent of the New York Division contacted the security officer at the Rye Town Hilton Hotel, Port Chester, New York. The purpose of this contact was to develop background information on a former employee of the hotel

who was an associate of the fugitive. This employee allegedly had knowledge of the fugitive's current whereabouts. Security officials at the hotel refused to furnish any information from their files without a subpoena because they felt they were open to civil litigation under the provisions of the Privacy Act.

*

Numerous hotels and gambling casinos in the State of Nevada, which would formerly furnish information from their records on hotel guests and gambling customers during routine investigations, now require a subpoena before they will release any information to the FBI. The reason given by hotel officials for subpoena is for hotel protection, in the event of a law suit, following an FOIPA release given to these subjects of investigation.

H. INSURANCE COMPANIES

Information submitted to Medicare through Aetna Insurance Company, which would show medicare fraud perpetrated by the staff of a union-owned hospital in Anchorage, Alaska, was withheld by Aetna citing the Privacy Act. It was necessary to obtain a Federal Grand Jury subpoena for the desired information.

*

In the field of arson investigation, major insurance companies and the Fire Marshall Reporting Service have stated they will provide no information to federal law enforcement agencies except under subpoena. They advise their legal departments believe this position is necessary for protection against civil suit, in the event of an FOIPA disclosure.

I. LEGAL PROFESSION

On May 5, 1977, a nationally known U. S. District Court Judge refused to be interviewed on an applicant matter because he wanted any information furnished about the applicant to remain confidential. It was the judge's opinion the FBI could not prevent disclosure of this information at a later date to the applicant under the Privacy Act.

*

In response to an FBI inquiry concerning an applicant, an attorney who was a former AUSA confided that significant information, meaningful and derogatory, would not be forthcoming concerning the applicant because of the FOIPA. When pressed by the FBI Agents upon this point, the former AUSA stated that he himself would counsel his clients not to furnish the FBI with derogatory information in applicant-suitability matters.

*

During an investigation in March 1978, by the Kansas City Office, private attorneys were interviewed concerning the qualifications of a candidate for a Government position. These private attorneys initially declined to furnish derogatory information in their posession concerning the candidate, in view of the provisions of the Privacy Act. They did furnish pertinent information on a promise of confidentiality, and it is unknown what information they withheld due to fear of the effect of the Privacy Act.

*

In a background investigation of a person considered for appointment as U. S. Magistrate, a U. S. District Judge before whom this candidate practiced law declined to furnish any information which would be divulged to the candidate under the FOIA.

*

A federal district judge was interviewed in a background investigation concerning a departmental applicant. The judge stated he did not feel that the FBI could provide confidentiality concerning his statements. He declined to furnish candid comments concerning the applicant and stated he did not wish to be interviewed concerning any FBI applicant investigations in the future.

*

A prominent attorney in Dayton, Ohio, was contacted concerning an applicant. He indicated he was in a position to furnish uncomplimentary information concerning the applicant, but advised the interviewing agent that due to the FOIA he would not do so. Thereupon, he furnished a brief, neutral commentary.

*

In connection with a suitability investigation concerning a nominee for U. S. District Judge, two attorneys contacted in July 1976, expressed extreme reluctance to furnish their true opinion regarding the qualifications of the candidate. They indicated they were fearful that, should the candidate be appointed to a judgeship and later learn of their statements, he would find a way to punish them professionally through his position. The attorneys eventually provided their comments after receiving an express promise of confidentiality; however, there is no assurance that they were as candid as they might have been before the FOIPA.

*

In a recent background investigation conducted by the Las Vegas Office pertaining to a Federal Judgeship, one attorney contacted advised he had derogatory information concerning the judicial candidate. However, he declined to furnish this information to the FBI stating he felt the information would eventually be disclosed to the applicant under the Privacy Act. He felt that, if this disclosure ever occurred, he would be unable to practice before the applicant's Court.

J. NEWSPAPERS

In a Corruption of Public Officials case, recent consideration was being given for change of venue to El Paso, Texas. The El Paso FBI Office was requested to review newspaper clipping files to determine the amount of publicity in the El Paso area the corruption matter had received. On April 10, 1978, a newspaper editor in El Paso, Texas, advised that, in light of the Freedom of Information Act and the Privacy Act, no information from newspaper clipping files would be made available to the FBI except upon service of a subpoena.

K. POLITICIANS

Recently in a Southern state, the State Chairman of one of the state's two major political parties was interviewed regarding a presidential appointment. This individual was advised of the provisions of the Privacy Act at the outset of the interview and requested confidentiality. He made

one or two statements of a derogatory nature and then requested that these statements be disregarded. He advised that, although he was aware his identity could be protected under the Privacy Act, he was not confident this protection would be effective. After the above statement, the interviewee would provide only a general statement regarding the appointees's honesty and terminated the interview.

*

In Oklahoma, a highly placed political figure offered to furnish information to the FBI concerning a multi-million dollar Act of Political Corruption. The information was never received because the Agent could not guarantee that his identity would not later be inadvertently disclosed through sophisticated queries sent to the FBI through the Freedom of Information Act. This source feared that the adversary in this matter could collect pieces of information from the FBI through the Freedom of Information Act, then assemble the information, possibly using a computer and identify the source.

*

During the course of a Public Corruption investigation, the interviewing agent in a southern office detected reluctance of witness police officers to provide complete information, subsequent to a discussion of the Freedom of Information-Privacy Acts. It was the opinion of the interviewing agent this reluctance was based on apprehension by the police officers this information could be made available to the subject, a trial judge before whom the police officers frequently appeared.

L. PRIVATE COMPANIES

During a routine investigation, a Special Agent sought the cooperation of a company personnel manager to determine the subject employee's residence from company records. Citing the restrictions of the Privacy Act, the personnel manager would neither confirm the subject's employment with his company nor provide any background information.

*

During a recent national security investigation involving possible Foreign Agents Registration Act violation, a lead was set out to interview the owner of an electronics firm regarding the purchase of loudspeakers and other electronics, used by foreign nationals in a public demonstration. The The owner of the electronics firm refused to disclose this information unless a subpoena was issued, stating he feared the customers who rented his equipment might learn of his cooperation, under the FOIPA, and bring a civil action against the electronics firm for breach of confidentiality.

*

In connection with bank fraud matters being investigated in the Charleston Resident Agency, an auto dealer refused to furnish time cards of employees because he would violate the Privacy Act.

*

Because of the Freedom of Information and Privacy Acts, the policy of the Shell Oil Company limits the type and amount of information that the company will provide to the FBI regarding an applicant for employment. The personnel clerk for that company advised that, even when an applicant has executed a waiver form, the only information Shell will furnish regarding the applicant's employment is as follows: verification of employment, dates of employment; position and salary.

*

During the course of investigation in Spokane, Washington, agents sought to review employment records at the Bon Marche Department Store and were advised that employment records were no longer available because of the Privacy Act. Agents also attempted to secure information concerning the subject from Sears Roebuck Company and Nordstrom Department Store and were advised that this information was not available without a court subpoena.

*

In a Dallas investigative matter regarding an electronics company, a former employee of the company who was a principal witness became fearful that he would be sued by the subjects of the investigation and the company if he provided information to the FBI. He was reluctant

because he believed this information would be available through the FOIPA; if the criminal allegation was not ultimately resolved in court, he feared he would become civilly liable. On several occasions, this witness asked what his civil liability would be and expressed reluctance in providing information of value to the investigating Agent.

*

Another Dallas investigative matter was based on information furnished by businessmen in a small town in Texas. When they initially furnished the information, these sources asked that they not be called upon to testify. Being businessmen in a small town, they expressed fear the information they provided would be used against them and harm their businesses. When these sources learned information which they furnished might be obtained through the provisions of the FOIPA by the investigation subjects, they stated they would not furnish any further information to the FBI.

*

In a fugitive investigation, information was developed that the subject was a former employee of an oil company. When contacted, the oil company management declined to furnish any background information from their personnel files concerning subject's former employment. The stated reason for not furnishing this information was concern for possible future company liability should the fact of FBI cooperation become known to the subject under the FOIPA.

M. PRIVATE LENDING COMPANIES

An Equal Credit Opportunity Act case involved a limited investigation based on a Departmental memorandum which directed that 14 former employees of a loan company be identified and interviewed. Citing the Privacy Act, the loan company Legal Counsel declined to identify to the FBI the 14 former employees. Instead, he had his current employees make personal contact with these 14 individuals to request their permission to release their names to the FBI. This indirect process delayed the investigation for a one-week period. The company was also asked to release loan applications of certain individuals who had been granted loans within the past 18 months. On the basis of the Privacy Act, the loan company declined to release these financial documents.

N. PUBLIC UTILITIES

During a recent security investigation, a lead was set forth for the Savannah Division requesting utility checks to be made to obtain information regarding certain individuals. Officials of a Georgia utility were contacted and advised that checks of their records would not be possible due to the provisions of the Privacy Act.

*

In Maryland, a local security office of the telephone company referred a "blue box" case to an FBI resident agency. However, the company refused to furnish any data concerning the principals involved in the violation without obtaining a subpoena for telephone company records.

*

In a fugitive investigation, the Indianapolis Office was given reliable information concerning the non-published telephone number of the fugitive's location on the Christmas holiday. The FBI holiday supervisor tried in vain to obtain the location of the number from various officials at Indiana Bell Telephone Company, and the fugitive was not apprehended. Indiana Bell insisted a subpoena was needed, based on FOIPA considerations, before this type of information could be released to the FBI.

*

Due to FOIPA ramifications, New York Telephone Company procedures for access to subscriber information and toll records substantially delayed investigative activity in a similar FBI case.

O. QUASI LAW ENFORCEMENT

On January 17, 1976, the disciplinary board of the Supreme Court of Pennsylvania advised that, because of FOIPA considerations, all requests for information by the FBI must be in letter form and a release authorization signed by the applicant must be enclosed with the request letter. It was intimated that a written request might not elicit all information if the disclosure could cause difficulties for the board.

*

The American Quarterhorse Association, located in Amarillo, Texas, will no longer provide any information to law enforcement agencies or investigators unless served with a subpoena. This Association has in the past assisted the FBI in coverage of aspects of the racing industry. The Association has advised its current restrictive policy is the direct result of FOIPA legislation.

P. TRAVELER'S AID AND FAMILY SERVICES

A Detroit kidnapping case involved a 65-year-old victim who had been brutally beaten, stabbed and left for dead in a rural area of Ohio. The victim could only provide nicknames for the kidnappers. Investigation revealed that the subjects had attempted to gain transportation from the Traveler's Aid Society in Detroit, Michigan. The Society, after being advised of the urgency of the matter, nevertheless refused to supply information on December 20, 1977, from records which would identify one of the subjects and possibly reveal the whereabouts of both subjects. This information was subsequently obtained the next day by subpoena duces tecum and teletyped to a Texas Office within a few hours after receipt. Both subjects were arrested in Texas on December 26, 1977. However, a few hours prior to the arrest, one subject shot and killed an individual in Texas.

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(C) *

The service has recently refused to furnish any information from their files to the FBI unless by a lawful court order. The Privacy Act was cited as the basis for this refusal to cooperate.

Q. UNIONS

On alleged Privacy grounds, Seafarers International Maritime Union in Brooklyn, New York, will no longer provide information to law enforcement agencies unless served with a subpoena.

*

During the course of a Racketeer-Influenced Corrupt Organizations case involving certain union members and company officials, the investigating agent contacted non-union employees concerning alleged harassment by union members and the firing of several rifle shots at non-union members. A prospective witness to a particular incident declined to furnish any information to the FBI, on FOIPA grounds, stating that, "the Government just can't keep a secret anymore."

*

In a similar FBI case, a labor union official refused to furnish information to the Baltimore FBI Office. He claimed he would have no confidence in the security of his information in view of the ability of individuals to obtain their files under the FOIPA.

R. WESTERN UNION

During the course of an investigation to locate and apprehend a fugitive, a Special Agent and a cooperating witness attempted to obtain information from the Western Union Office, Jacksonville, Florida, concerning a telegraph money order and message sent to the cooperating witness from the subject. Employees at the Western Union Company advised they could not disclose any information regarding the money order or message, due to "Privacy concerns," without a court order.

IV REDUCTION IN CURRENT INFORMANTS OR POTENTIAL INFORMANTS RESULTING FROM PRESENT FOIPA DISCLOSURE POLICIES

A. DEVELOPMENT OF POTENTIAL INFORMANTS

During the past four months, three individuals were separately contacted in an effort to obtain their cooperation in organized crime matters. Each of these individuals advised the contacting agent they felt their confidentiality could not be maintained due to current FOIA legislation. It is believed these individuals would have been cooperative had they not feared the FOIA and they would have been valuable FBI informants. Because of the wide publicity which the FOIA has received, these individuals were well aware of the public's ability to gain access to information in FBI files.

*

Shortly after a skyjacking began, an identified caller stated to a Special Agent that he was a medical doctor and that the skyjacker was probably identical to an individual who was an outpatient at the pyschiatric clinic where the caller was employed. He stated the individual was schizophrenic and was dangerous to himself and to other persons. The caller suggested that a psychiatrist should be available during all negotiations with the skyjacker. The caller's identity was requested since he was obviously knowledgeable concerning the skyjacker and could furnish possible valuable information in an attempt to have the skyjacker peacefully surrender. Despite the fact that several lives were in jeopardy, the caller stressed that he was unable to furnish his name because of Federal Privacy Act requirements and terminated the call. Because of this telephone call, the FBI did have a pyschiatrist available during negotiations with the skyjacker (who had been correctly identified by the caller) and the skyjacker's surrender was accomplished without loss of lives or property.

*

For approximately three years, a telephone caller known to the agent only by a code name furnished information in a wide variety of cases, from drug-related matters to terrorism. The caller never identified himself and advised he could never testify since to do so would risk death. The caller finally terminated his relationship, expressing fear that an inadvertent release of information by the FBI, under the FOIA, might identify him.

*

An individual in a position to know information about an FBI subject stated to a Special Agent at Dallas, Texas, that she would not furnish any information lest it and her identity appear in the newspapers. She made reference to information which was being published in the press as a result of an FOIPA request.

*

An agent of the Jacksonville Division was recently in contact with an individual believed capable of providing reliable direct and indirect information regarding high-level political corruption. This individual advised his information would be furnished only if the contacting Special Agent could guarantee that the individual's identity would never be set forth in any FBI files. The contacting Agent attributed this individual's reluctance to have his identity set forth in FBI files to a fear of the FOIPA and its effect on the FBI's ability to maintain confidentiality of information from informants.

*

In August 1976, an FBI field office contacted a potential criminal source, to determine why he was not now providing the FBI with information as he had been in the past. This potential source replied that he was in fear of losing his job and of retaliation by individuals about whom he might furnish information. The potential source asked if the FBI could guarantee the confidentiality of his relationship and of the information he furnished. He stated he was particularly concerned about confidentiality in light of the FOIA. In view of his apprehensions, this individual is no longer being contacted by the FBI.

*

A particular Organized Crime case involved an investigation to identify male juveniles being transported interstate for the use of homosexuals. Due to fear of reprisals stemming from FOIA disclosures and Privacy Act problems, various school officials would not cooperate in the investigation to verify the identity of the juveniles. In the same case, prominent citizens in a community displayed reluctant cooperation with the FBI out of fear of FOIA disclosure.

*

In Portland, Oregon, a potential source advised he would not cooperate with the FBI due to fear his identity would be publicly revealed, which would be detrimental to his profession. This potential source referred to news accounts in the local press regarding material made available under the FOIA, which had disclosed the names of several individuals in professional capacities at Portland who had assisted the FBI and the nature of their assistance. This type of publicity, according to the potential source, would be detrimental to any individual in business who elected to cooperate with the FBI.

*

A Special Agent advised that an individual in a high management position in a state agency wished to provide information to the FBI on a confidential basis. During one of the agent's initial conversations with this source, confidentiality was requested, specifically that the source's name never be mentioned in FBI files due to "past legislation, Freedom of Information Act, etc." This person was in a position to furnish information concerning White Collar Crime and political corruption; however, the potential source subsequently refused to cooperate with the FBI, in spite of the Agent's assurances.

B. CRIMINAL INFORMANTS

A Newark criminal informant, who furnished very significant information in an automobile ring case, advised he feared for his life after reading in various New Jersey newspapers of disclosures made under the FOIPA. As a result, this source will no longer furnish information which is singular in nature.

*

Several attempts have been made by the New York Office to reactivate a former source, who had been extremely cooperative and productive. Current attempts to persuade the source to once again aid the FBI have been negative. The former informant refuses to cooperate, as he believes his identity cannot be kept secure due to FOIPA disclosure policy.

*

An informant of the Mobile Division was recently closed inasmuch as the source advised he felt the FBI could not efficiently protect the confidentiality of his relationship and his identity, due to the FOIPA. This source has previously provided excellent information regarding gambling and organized crime in the Mobile Division. He stated that he is afraid, if his name ever surfaced as providing information to the FBI, he would lose his business and everything he has worked for in his life.

*

A Top Echelon Informant of the Mobile Division was recently closed as he would no longer furnish information to the FBI, because he was concerned about his identity being made known as a result of recent disclosures of FBI information and confidential sources.

*

In 1976, the Albuquerque Division had an active informant who stated he would no longer continue in that capacity because it was his belief, as a result of the FOIPA, his identity and confidentiality could no longer be protected.

*

In an ITAR-Arson investigation, an individual in the Albany area was sucessfully developed as a potential source of information concerning racketeering and political corruption. However, upon learning of the provisions of the FOIPA, this individual requested that his conversations not be recorded and refused further cooperation.

*

Another field office informant related a conversation which occurred between a local attorney and several organized crime figures. The attorney commented that within the next few years the FBI will be severely restricted in its efforts to obtain information from confidential sources. He stated that he fully expected the provisions of the FOIPA would be sucessfully utilized in identifying FBI informants. Agents subsequently contacting this valuable source have noted a subtle reluctance on his part to more fully penetrate the particular organized crime activities which he is in a position to cover.

*

An FBI Office in a major North Central City has received information from several reliable informants that most Organized Crime members in the area have been instructed to write to FBI Headquarters requesting file information pertaining to themselves. These informants have advised the sole purpose of this process is to attempt to identify informants who have supplied information to the FBI on Organized Crime matters. The FOIPA Branch of the Records Management Division, FBI Headquarters, has advised that such requests have been submitted by virtually every Organized Crime Figure in the area.

*

A Boston informant who has a great deal of knowledge concerning the Hell's Angels motorcycle gang is reluctant to furnish information on the gang because of the FOIA and PA. He has considerably reduced the amount of information he furnishes to the FBI.

*

A Boston informant who has furnished considerable information concerning the Weather Underground and the Prairie Fire Organization advised that he is very upset about the FOIA. He has learned through conversations with members of the counter-culture that former and current extremists are writing to FBI Headquarters under the FOIA in an effort to identify and expose informants. The informant indicated he is apprehensive about the Bureau's ability to properly safeguard information furnished by him.

*

A long-time confidential informant in San Diego, California, finally stated, "I can't help you any more due to the Freedom of Information Act." This informant had previously furnished valuable information which led to arrests and recovery of Government property. Even though the promise of confidentiality was explained to the informant, he still refused to furnish further information.

*

An established source of one FBI field office had furnished information concerning a relative who was a federal fugitive. The fugitive was arrested and subsequently made an FOIPA request for the investigation concerning him. Based upon the information released, the former fugitive

reached the conclusion it was probably his relative who had furnished information concerning him to the FBI. This former fugitive subsequently threatened the life of the source and the source's family, and the source is now fearful that his relative may pass on his suspicions to other FBI subjects.

*

A former Salt Lake City informant had regularly furnished information resulting in recovery of large amounts of stolen Government property and the arrest and conviction of several subjects. In a pending Salt Lake City case, the former informant refused to cooperate because of his fear of the FOIPA, which he felt would in fact jeopardize his life should he continue cooperating with the FBI.

*

In January 1978, the New York Office received information one prime FALN suspect was applying under the FOIA for his file. Sources close to the suspect advised he was seeking to discover the FBI's knowledge of his activities and the identities of Agents who were investigating him.

*

In a Western Field Office, a former highly productive confidential informant advised that he did not feel secure, due to widespread publicity concerning FBI informants and the FOIA legislation. He stated that, although he continued to maintain his confidentiality regarding his relationship with the FBI, he was not sure that the FBI could do the same. Due to this source's feelings, he discontinued all contact with the FBI.

*

In Philadelphia, an informant furnished information concerning LCN (La Cosa Nostra) figures and on organized crime conditions in Northeastern Pennsylvania. Subsequently, the source acquired the conviction that, under the Attorney General's FOIPA Guidelines, guarantee could no longer be given that his identity would be protected. Accordingly, the source declined to furnish any further information to the FBI.

*

In one Northeastern FBI Field Office, on three separate occasions persons under development as organized crime informants have declined to furnish information of a confidential nature, if the information is reduced to writing in any form. These sources have cited media accounts of persons murdered by underworld figures because their identities were discovered as the result of the FOIA.

*

One FBI field office advised that a confidential source, who previously had Top Echelon Status and who had identified several members of the La Cosa Nostra, was discontinued in April 1977. This source had read an article in Time Magazine (April, 1977 issue, page 22) which had identified two former FBI sources who had been slain. The FBI could not convince the source that his own identity in the future would be fully protected.

*

In March 1978, the Drug Enforcement Agency (DEA) was advised that an informant of the Atlanta FBI Office might be in a position to provide timely information concerning large narcotics shipments, in exchange for a reward from DEA and the guarantee of confidentiality. A local representative of DEA responded that confidentiality could be guaranteed by DEA only in instances where the informant was operated by DEA as a source. DEA reward money could be paid to any individual supplying information; however, the true identity of an FBI source would be reflected in DEA records for such payment. The FBI source was advised of the results of inquiry with the DEA. The source subsequently furnished the identities of the drug subjects of which he had knowledge. This information was disseminated to DEA. However, the source declined to have further contact with these subjects, for fear his identity would be made known at some later date under an FOIA request to DEA.

*

CONFIDENTIAL

A Boston FBI informant is well connected to the organized crime element in central Massachusetts, Boston and Providence, Rhode Island. Over the past year the informant's productivity has dramatically decreased. Consequently, this decrease was discussed with the informant, who stated that he had begun to doubt the FBI's ability to protect the contents of its own files and information provided by its informants. He had learned that an organized crime figure had received over 500 pages of FBI Anti-Racketeering Reports and was unquestionably trying to identify informants.

*

The criminal informant coordinator of the Boston Division has been told by an individual, who would potentially be an excellent source of criminal information on the Boston waterfront, that even though he had cooperated with law enforcement personnel in the past he would never do so again. He stated that he was afraid that one day, as the result of FOIPA, he might "see his name in the Boston Globe."

*

In Dallas, an informant who has been furnishing information to Special Agents of the FBI since 1953, regarding gambling, prostitution, stolen goods, and criminal intelligence information, when last contacted by an Agent indicated he would no longer furnish any information to the FBI due to the fact it could be disclosed under the FOIPA. The informant felt his personal safety could be jeopardized by the disclosure of his identity, and he no longer wanted to take the personal risk and provide information regarding criminal activities.

C. SECURITY INFORMANTS

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expressed some humor over the fact that such information is available.

*

An individual, who is in a position to furnish possible foreign counterintelligence information, expressed the opinion the Federal Government could not protect his identity in view of the constant scrutiny by Congress of the FBI and CIA and the subsequent news media leaks. This individual also stated he would be fearful that his identity would be revealed through access to records by the public under the FOIA, as well as extensive civil discovery proceedings exemplified by the SWP civil law suit. In addition, this individual expressed concern over former intelligence agency officers who were publishing books, possibly jeopardizing the confidentiality of sources.

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b1

[redacted]

*

An informant expressed deep concern over security and possible disclosure of his relationship with the FBI, noting recent instances in which FBI sources had been identified in the press. The informant, who had provided critical information for many years in matters of the highest sensitivity, requested that his relationship with the FBI be terminated and that his name be deleted from all FBI records.

*

[redacted] (C)
The informant has repeatedly voiced concern over possible disclosure of his identity through the FOIA. The source has now requested that all contacts be minimized in frequency and duration, that all information furnished be paraphrased, that his real or code names never be used, and that access to his information be severely restricted within the FBI. It has become apparent also, that while the informant's dealings [redacted] (C) and the amount of substantive information furnished has declined. b1

*

A former source of excellent quality was recontacted, since his background was such that he could develop information of value concerning the terrorist Puerto Rican independence group known as the FALN. After three hours of conversation, the former source agreed to cooperate with the FBI but only in a very limited manner. He stated that due to the FOIA he longer believes that FBI Agents can assure his complete protection. He made it clear that he will never again function as deeply as he had previously in behalf of the FBI, noting that disclosure of his identity would most assuredly cost him his life.

*

An individual who has requested his identity be protected and who has provided information pertinent [redacted] (C) has also expressed concern pertinent to revelation of his identity as furnishing information to the FBI. This individual queried the Special Agent involved in the investigation as to whether his identity could be protected and stated that he was concerned

because of future business dealings [redacted] (b1) Because of the above, this individual stated that he did not wish to be contacted on a regular basis by the FBI.

*

Members of an organization which is currently under investigation in the domestic security area made several FOIPA requests to the FBI. Based upon this information, one member concluded that a particular individual had been providing information to the FBI. This conclusion was based not so much on the release of particular information or the identity of the individual who furnished it, but upon the fact that much of the information went back many years, as well as up to the present. This member concluded that only one individual could have provided information of this nature over such a long span of time. The source who provided the information convinced both the member and the organization that this was not the case and that this source was not the individual who provided information to the Federal Government. However, while the situation ended favorably, potential for harm to the source was great. (Note - this example is very sensitive.)

*

In September 1977, a former Special Agent advised the San Antonio Office that an informant had contacted him upon learning that an FBI subject had obtained documents under the FOIPA. The informant expressed the fear that his identity as a confidential source against this subject would be revealed. This subject was trying to identify individuals who had provided information to the FBI concerning his activities.

*

In a Western FBI Office, an individual was contacted in a recent foreign counterintelligence investigation, as he was in a position to furnish valuable information on a continuing basis regarding the subject. Although this potential source displayed an otherwise cooperative attitude, he stated he would not furnish information for fear his identity might be revealed at some future date due to provisions of the Freedom of Information Act.

*

Members of an organization dedicated to bringing about a militant, working class movement based on Marxism-Leninism, recently discussed the FOIA. A decision was reached b2 to direct inquiry to both the FBI and the [redacted] under provisions of the FOIA requesting information concerning the organization. It was thereby anticipated that a comparison of information concerning individuals, including dates, times and activities, would identity informants in the organization.

*

In 1976, a most valuable and productive FBI informant ceased his activity in behalf of the Bureau. His reason for this decision was his concern over the FOIA, which he believed offered the distinct possibility of disclosing his identity as an informant. This source provided coverage on two major subversive and/or violence-oriented groups of investigative interest.

*

An FBI Agent was once told by an informant that "he would trust the Mafia to keep a secret more than he would the Bureau."

*

Recently an informant [redacted] b1 (C)
expressed great concern over the possibility of his identity being disclosed. The source stated that he recently read in a local newspaper that foreign visitors could gain access to FBI records through the FOIPA.

*

[redacted] b1 (C)

*

Since the advent of the FOIPA, numerous documents containing information furnished by an FBI asset of long standing have been released under provisions of these laws. These releases have had a deleterious effect upon the asset's relationship with the FBI. There has been a noticeable decrease in the volume of information furnished by the asset, who has been frank to state that he no longer has his former confidence that the FBI can maintain the confidentiality of his relationship. On numerous occasions, the asset has expressed reluctance to furnish information which he fears might be released under the FOIA, resulting in his physical jeopardy or leaving him open to civil suit. This asset has not yet terminated his relationship with the FBI, but the relationship is now a very tenuous one.

D. INFORMANT SAFETY

An informant of the St. Louis Office has expressed concern that individuals about whom he was providing information were requesting their FBI files under the FOIPA. This informant expressed fear for his personal safety and that of his family. This source had in the past provided reliable and corroborating information about individuals who have been convicted of federal crimes in the Eastern District of Missouri. There has been a recent reduction in amount and quality of the source's information.

*

On several occasions in the recent past, an informant of the Portland Division, who has furnished reliable information has voiced his concern for his safety out of fear that his identity would in the future be revealed, under the FOIPA. He stated that when he began assisting the FBI it was his understanding that his identity and the information he furnished would always remain confidential.

*

A key witness of the Newark Field Office concerning a check-kiting scheme is also involved with loansharks. The witness is not being fully cooperative in the case, particularly in identifying a loanshark with whom the witness is dealing, due to fear the loanshark will learn of the cooperation with the FBI because of the FOIPA.

V. MISCELLANEOUS (OTHER RELEVANT EXAMPLES)

A. SUITABILITY INVESTIGATIONS

In an applicant investigation, an official of the Portsmouth, Virginia Police Department refused to be candid in his remarks pertaining to the applicant in view of the Privacy Act and the Freedom of Information Act.

*

In a recent Newark National Academy case, a protected source expressed concern less he be identified as the source of derogatory information. He clearly indicated he was aware that the applicant would have access to this information through the Privacy Act. Other officers interviewed simply refused to be candid regarding the applicant, due to their awareness that the information might be released to him.

*

In another Newark suitability investigation, a local police department refused to make a record check on the applicant's brother without a waiver from the brother, because it was believed there was a possible FOIA or PA violation.

*

Special Agents of the Honolulu Division have recently observed a general reluctance by local law enforcement officers to furnish derogatory heresay information in suitability investigations. Members of the law enforcement community have been apprised of the access and disclosure provisions of the Freedom of Information and Privacy Acts (FOIPA).

*

In a background investigation of a police officer nominated to attend the FBI National Academy, a number of police officers within the same department requested that their derogatory comments not be reduced to writing. They cited the provisions of the FOIA as their reason.

*

A former high official in an upstate New York City was being considered for a White House staff position. An individual in that municipality refused to comment since he believed the candidate would be able to obtain this information through the Privacy Act. The official, who was aware of the Act's provisions, stated he still believed someone in the White House would have access to comments made.

*

During a 1978 SPIN investigation in Miami, the interviewee advised he was a business competitor acquainted with the appointee. He inquired as to what degree of confidentiality could be provided if he furnished information regarding the appointee. Privacy Act provisions were explained to the interviewee. This was not a sufficient degree of confidentiality and he would have nothing to say about the appointee.

*

During the same SPIN investigation at Miami, an officer in Dade County advised he had derogatory background information concerning the appointee. He said he did not want to "go on record" with the FBI concerning this information in view of the Privacy Act. He stated that he considered the information so pertinent that it required his direct contact with the House Committee on Assassinations, which had requested the SPIN investigation. After receiving the officer's information, the House Committee requested the FBI suitability investigation be discontinued.

B. LAW SUITS

A $600,000 civil suit was filed by a Honolulu plaintiff against a neighbor regarding derogatory information provided the FBI approximately 20 years ago concerning the plaintiff in a suitability investigation. The FOIPA request made by the plaintiff allegedly had enabled her to identify the defendant as the source of the derogatory information, which she claimed in her lawsuit was defamatory. The civil action required the defendant to retain private counsel at great personal expense and resulted in personal trauma. The defendant's retained counsel was successful in obtaining dismissal of the suit on the technical defense of "Statute of Limitations." The primary issue of whether or not a person could sue an individual who had provided information to the FBI was not addressed.

In early 1978, an employer in the Los Angeles Division contacted that office concerning certain derogatory information furnished in 1967, on an employee who was then seeking a position with the White House staff. This individual, who had subsequently made a Privacy Act request to the FBI, determined that the former employer had provided derogatory information concerning her, and threatened to sue the employer if correction of this information was not forwarded to the FBI. The employer's written retraction of the previous information was subsequently submitted to the FBI Los Angeles Division, in order to avoid any potential civil entanglement.

*

An unsuccessful applicant for the position of Federal Bankruptcy Judge obtained his file via the FOIPA concerning his background investigation. He subsequently determined that several former employers and law partners had furnished derogatory information to the FBI concerning him. He has filed civil suit against these former employers and law partners and also filed an FOIPA civil suit against the FBI.

*

Recently the Legal Counsel for a large sheriff's office located within the Tampa Division requested copies of the FOIPA legislation out of concern that information released by his department or personnel might result in civil litigation against them. This agency has since requested confidentiality for all personnel handling record checks and is reviewing its current policy on disseminating information to Federal agencies.

*

According to a former informant, an FBI subject who had been active in dissident activities during the 1960's and early 1970's and who had traveled through several Third World countries since that time, obtained his file under the FOIA. After reviewing the file this requester decided his former wife should sue the FBI and for that purpose furnished her with information from the file.

*

In September, 1975, an editor of an underground newspaper in the Wisconsin area filed suit against the FBI contending the Bureau had improperly withheld information under the FOIPA. Once this matter was reviewed by a Federal Judge in Madison, Wisconsin, files pertaining to numerous activists in the Madison area, among whom was an FBI informant, were released. As a result, the identity of this informant was made known resulting in the loss of a very valuable source. Similarly, release of affinity files from a local police department in Wisconsin caused the loss of another valuable FBI source.

*

A subject found guilty in an ITSP Little Rock case, subsequently filed a civil action against witnesses against him in that matter. Being unable to determine the identities of all witnesses, he has made several FOIPA requests through the Little Rock Office. His intention is obviously to discover the identities of additional witnesses whom he may join in his civil suit.

C. POLICE DEPARTMENT OPERATIONS

In 1977, a requester through his attorney received over 200 pages of FBI documents pertaining to himself and an organization. He had previously believed that a local police officer was sympathetic to his views. From the FOIA release, the requester was able to determine that he had not "turned" the police officer, who was in fact forwarding to his department what the requester had said in confidence.

*

Another FOIPA requester had been tried and convicted of two murders in Cleveland in the early 1970's. From FBI documents released as the result of an FOIPA civil action, his attorney professed to know the identity of the Cleveland police department source who in fact had furnished valuable information on the requester's murder convictions.

*

The New York City Police Department (NYCPD) Intelligence Division has the responsibility of gathering information relating to terrorist matters. Police officers acting in an undercover capacity are targeted against certain bombing suspects. Officials of the NYCPD have expressed grave concern

about giving the FBI any information from these undercovers because of the FOIPA. It is noted that they do furnish the FBI with information, normally in abbreviated form, from their undercover officers. Should one of these undercovers be exposed because of the FOIA, it would be destructive of the professional relationship between the NYCPD and the FBI.

D. LOUISVILLE, KENTUCKY KLAN RELEASE

Embarrassment, distrust and strained relationship between the Louisville Division of the FBI and Chiefs of Police of the Louisville Division of Police and Jefferson County Police Department have resulted from an FOIPA request pertaining to Klan infiltration of these local law enforcement agencies. On September 19, 1977, the "Louisville Defender" newspaper carried an article captioned "FBI Documents Say 12 to 35 City County Cops in KKK," and reported information from the FOIPA release. These disclosures related to 1976 efforts which reportedly had been made to establish a unit of the United Klans of America at Louisville which was to have a membership limited exclusively to police and other law enforcement officials.

E. SEATTLE NEWS RELEASE

On June 16, 1978, the Coalition on Government Spying, publicly identified as an organization formed by the American Civil Liberties Union, The American Friends Service Committee, and the National Lawyers Guild, presented a copy of an FBI document consisting of several pages at a press conference at Seattle, Washington. The document was a teletype sent by Seattle to Minneapolis and the Bureau during the Wounded Knee Incident of 1973. This document without question identified a representative of the news media as subsequently furnishing information to the FBI, although he was doing so unknowingly through his news director. The release of this information under the FOIPA has had a severe impact on the lives of the two newsmen involved.

F. FBI MANUALS

CONFIDENTIAL

In the fall of 1977, the warden of a state penitentiary expressed dismay at a current news story which described how the FBI had released Agent's handbooks and manuals to a prison inmate, under the FOIA. When told this story was true, the warden declared that, rather than release such material to prison inmates, he would rather ignore such a law.

*

An individual in Oklahoma City requested the FBI to permit his review of the FBI Manual of Instructions. This request was honored and the FBI processed 970 pages of the Manual of Instructions and mailed these materials to the Oklahoma City FBI Office in March, 1978, for his review. A letter was then sent to the individual requesting that he come to the Oklahoma City FBI Office to review the processed material. He never responded to this invitation.

FD-36 (Rev 5-22-78)

DOCUME[illegible] 90

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

CONFIDENTIAL

b1

Date 7/12/79

TO: DIRECTOR, FBI (190-3) CONFIDENTIAL
ATTN: RECORDS MANAGEMENT DIVISION,
TRAINING AND RESEARCH UNTI, ROOM 6280

FROM: SAC, WFO (190-1 Sub G)

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES.

8-26-2003
CLASSIFIED BY 60267 NLSBAW/cmw
REASON 1.5 (C)
DECLASSIFY ON: X 1
03-R0763

ReBuairtel, 3/20/79.

Enclosed are original and two copies of an LHM dated and captioned as above.

The example cited in the enclosed LHM is in connection with WFO file [redacted] (GT C)

CONFIDENTIAL

Classified and Extended by 197
Reason for Extension: FCIM II, 1-2.4.2 (2, 3)
Date of Review for Declassification: 7/12/99

1 cc retained TAR Unit, FOIPA Branch 7/24/79 cmw

Classified by [redacted]
Declassify on: OADR
JUL 16 [illegible]

[redacted]

(2) - Bureau (Enc. 3)
1 - WFO
MJB:mkg

(3)

CONFIDENTIAL

Approved: CRM/WBL Transmitted _____ (Number) _____ (Time) Per _____

DOCUMENT 91

UNITED STATES DEPARTMENT OF JUSTICE

b1

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

Washington, D. C. 20535
July 12, 1979

IMPACT THE FREEDOM OF INFORMATION - PRIVACY ACTS ARE HAVING ON LAW ENFORCEMENT ACTIVITIES

PROBLEMS WITH CURRENT INFORMANTS OR POTENTIAL INFORMANTS

(C) [redacted] The informant advised he feels being in this position could only do harm to his reputation "if it ever comes out."

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8-26-2003
CLASSIFIED BY 60267NLS/RAW/Cam
REASON: C, 1
DECLASSIFY ON:
03-R0763

[redacted]

[redacted]

FD-36 (Rev 5-22-78)

DOC[illegible] 92

FBI

TRANSMIT VIA	PRECEDENCE	CLASSIFICATION
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ AIRTEL	☐ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

CONFIDENTIAL

b1

Date 7/17/79

TO: DIRECTOR, FBI (190-3)
(ATTENTION: Training and Research Unit
FOIPA Branch
Room 6280)

FROM: SAC, SAN FRANCISCO (19-50D)

SUBJECT: IMPACT OF FREEDOM OF INFORMATION -
PRIVACY ACT ON LAW ENFORCEMENT ACTIVITIES

Re Bureau airtel to Albany, dated 12/18/78.

Enclosed for the Bureau are three copies of an LHM describing an incident demonstrating the detrimental impact of FOIPA on Federal Bureau of Investigation operations.

The reported example is documented in Bureau File [redacted] (C)

Classified by [redacted]
Declassify on: OADR 8-16-90
304185

IC retained TAR Unit
FOIPA Branch 7/24/79

JUL 19 1979

CONFIDENTIAL

(2) - Bureau (Enc. 3)
1 - San Francisco
CS/dlr
(3)

8-26-2003
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REASON: 1.5 (C)
DECLASSIFY ON: X 1
03-R0763

Approved: WDM/cs Transmitted _____ (Number) _____ (Time) Per _____

DOC [illegible] 93

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No

San Francisco, California

July 17, 1979

Class. & Ext. By [illegible] 8-16-90

04185

IMPACT OF FREEDOM OF INFORMATION ACT (FOIA) AND OF PRIVACY ACT (PA) ON THE FEDERAL BUREAU OF INVESTIGATION

The following example demonstrating the detrimental impact of captioned Acts on Federal Bureau of Investigation operations is being submitted in general terms in order to protect sensitive information and identities.

LAW ENFORCEMENT PERSONNEL'S ABILITY TO OBTAIN INFORMATION FROM THE GENERAL PUBLIC

[redacted] (C)

b1

8-26-2003
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03-R0763

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[redacted]