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FOIA

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MEMORANDUM FOR THE RECORD

SUBJECT: Meeting Regarding Abuses of the Freedom of Information Act by FOIA Requesters

1. Mr. Gene F. Wilson, Chief/IPS, and I attended a meeting regarding abuses of the Freedom of Information Act (FOIA) by FOIA requesters from 9:30 a.m. to 11:00 a.m. The meeting was held at the Secret Service offices at 1800 G. Street N.W., Washington, D.C. Agencies represented besides the CIA included the Secret Service, the FBI and DEA. The purpose of this special meeting was to present to Mr. Larry Finks, of the Senate Governmental Affairs Permanent Subcommittee on Investigations staff, views as to what areas of the current FOIA are in need of revision due to public abuse.

2. Mr. Finks opened the meeting by stating that Senator Sam Nunn (D., Ga.) who, although Vice Chairman of the Subcommittee, is acting in Senator Henry Jackson's (D., Wash.), Chairman, behalf due to Senator Jackson's preoccupation with energy matters, is very interested in holding hearings (either open or executive) regarding abuses of the FOIA and the need for remedial legislation.

3. It quickly became apparent as the meeting progressed that Senator Nunn's interest is based primarily upon the problems which the FOIA poses to law enforcement agencies, particularly as this relates to their investigative functions. In this regard, of course, the Agency is not concerned, as we have no investigative responsibilities or law enforcement functions.

4. Notwithstanding that fact, both [redacted] and Wilson raised, at appropriate intervals, the following

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problems that the Agency has with the FOIA, even though they are not at this moment the particular concern of Senator Nunn's Subcommittee:

a. Possibility of total exemption for raw intelligence data (various reasons and rationales cited).

b. Problem of unintentional misinforming of the U.S. public due to the requirement for release of "segregable" information.

c. Belief by various sources that information they provide may/will be released under the FOIA. The FBI came down very strongly on this point as well.

d. Agency held Congressional documents and need for Congressional definition of what is and what is not a Congressional document to clarify which, if any, may/should be released by holding agencies (all agencies present with exception of Secret Service chimed in affirmation on this point).

e. Administrative problems with the FOIA.

5. Although Mr. Finks indicated that the Senator wanted to move on this issue, he added that the hopes for major success at this time, although brighter than ever before, are not overwhelming. Although Mr. Finks spoke in terms of legislation he indicated, when asked by myself, that they had no specific ideas in mind and that, although they thought Representative Andrew Maguire (D., N.J.) might carry the bill on the House side, they had not, as yet, pushed the matter with him or anyone else.

6. Although nothing really concrete came from the meeting, the Agency accrued benefit from it in that we have sensitized another Congressional staffer (one very favorable toward helping us with our problems) to the issues that must be confronted in dealing with any remedial changes in the Freedom of Information Act.

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Assistant Legislative Counsel

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