

FREEDOM OF INFORMATION

FBI wants freedom to spy on citizens

A Philadelphia lawyer says FBI intentionally exposes some of its informers to make FOIA look bad.

By Al DiFranco

CLAIMING THAT WHAT YOU don't know can keep their agents and informers from getting hurt, the FBI and other executive branch law enforcement agencies are seeking a ten-year delay on disclosures required under the Freedom of Information and Privacy Acts.

FBI chief William Webster has made several public appeals in recent months for a moratorium—the agency calls it a “cooling off” period—that would delay the release of FBI dossiers for ten years from the date of their filing.

But in a report released Nov. 15, the General Accounting Office (GAO) said there was no conclusive evidence that law enforcement was being impeded by requiring federal agencies to open some of their files to the public.

The GAO report included at least 50 case histories in which law enforcement agencies bemoaned what they claimed were financial burdens, a crippling of effectiveness and increased problems of sharing information with each other.

Critics say the FBI's concern is not for its own people, that it is intentionally allowing them to be exposed in order to make the FOIA and Privacy acts appear to be a threat to efficient law enforcement. They also charge the agency is using disclosures to third parties selectively to smear, intimidate and sometimes endanger the lives of citizens it secretly spied on.

To support its arguments against public disclosures, the FBI also claims that the high costs of digging through tens of thousands of files on domestic spying—down to the cost of Xeroxing—diverts too much labor and money from important cloak-and-dagger work.

At present, the agency takes 90 to 120 days to process a request for information. The law requires requests to be processed within ten days. Initial requests are routinely denied, however, which drives up costs when the second request is made by those who refuse to be discouraged by the tactic.

Allen McCreight, who heads the FBI's Freedom of Information and Privacy Acts branch in Washington, told *IN THESE TIMES* that about 64,000 requests for dossiers have been received since the law went into effect in February 1975. He said it has cost the agency an average of about \$328 in salaries, equipment and stationary for processing each request.

According to McCreight, 310 people on the Bureau staff in Washington now work full time on disclosures. Included are 35 “law trained” agents. He complained that agents in field offices around the country also have to take time off from crime-stopping to stake out filing cabinets. The FBI has authority permanently to employ 379 persons to handle the requests.

The legislators who passed the FOIA and Privacy acts had anticipated a cost

of a mere \$550,000 over a six-year period rather than the \$21 million McCreight said has been spent so far.

In addition to the FBI, all executive branch agencies are required to abide by the information legislation, including the bureaus of Alcohol, Tobacco and Firearms, Drug Enforcement, the Secret Service and the National Security Agency.

As the FBI is quick to point out, rules for disclosing dossiers make it more complicated and expensive than simply pulling out a file and sending off a Xerox copy.

Deletions of information must be made in cases of:

- Ongoing investigations;
- Where it may jeopardize a fair and impartial trial due to pretrial publicity;
- Become an unwarranted invasion of privacy in the case of a request by a third party such as a lawyer or journalist;
- Reveal confidential FBI sources;
- Reveal unusual physical evidence gathering techniques;
- Or endanger the life or safety of a law enforcement official.

This last point was emphasized by Sen. Sam Nunn (D-GA), who chairs the Judiciary committee's permanent subcommittee on investigations. Nunn backs the FBI's contention that organized crime figures are using FOIA to find out what the FBI knows about them.

And McCreight jokingly complains that “the general procedure now is for a fellow to check into prison, get his greys (uniform), tin cup and privacy act request forms,” then start thinking about how to even the score with the G-man who put him away.

McCreight said the thorny problem of revealing information that the law says must be deleted “basically turns around the potential for human error in processing files.” He maintains agents are often not able to get the correct information to the right people and protect themselves and the people they've investigated.

But attorneys active in opening government files to the public say the agency is creating the thorny problems for itself so that it can escape into the briar patch—in this case gain a moratorium on further disclosures.

American Civil Liberties Union staff counsel Mark Lynch said the FBI “got just what they wanted” from legislators in the drafting of protections against revealing FBI information that might damage the FBI or endanger its agents and informers.

David Kairys, Philadelphia-based counsel for the National Emergency Civil Liberty Committee, believes that “the FBI wants some of its informers to get identified. They're often considered expendable people and the agency wants to make Freedom of Information look bad.”

He told *IN THESE TIMES* that information about sex scandals and other embarrassing private subjects is being released to whoever wants the information—without the time and money consuming deletions the agency complains are hamstringing their operation.

Kairys cites a murder case involving labor union strife in Puerto Rico, in which the FBI claimed that Freedom of Information may get people killed. But in that case, Kairys points out, the FBI itself made public a long list of names of those under investigation. “If one of these people gets knocked off, they say Freedom of Information is to blame,” he said.

Al DiFranco writes regularly for IN THESE TIMES.



Ben Yablonsky (left), Wade Franklin and Henry Whol (right)

Pat Strandt

The Hearst strike 40 years later

By Pat Strandt

THE LONGEST WHITE-COLLAR strike up to that time, and one of the longest ever, was commemorated here Dec. 2, exactly 40 years after the fledgling Chicago Newspaper Guild (CIO) walked out on Hearst's *Herald-Examiner* and *Evening American*.

In their first reunion, some 45 strikers gathered at the Midland Hotel with friends and families for dinner and reminiscences that lasted until midnight.

Joining them were younger people—strikers from Madison, Wis., who have been publishing the *Madison Press Connection*, at first a strike paper and now the only cooperative community daily in the U.S.—and officers of the Newspaper Guild. Guild Local 71, Chicago, was represented by its president, Beverly Bennett, and administrative officer, Gerry Minkennen. Both expected their marathon negotiations with the *Sun-Times* to turn into a strike. Bennett's face streamed with tears during part of the evening. (Bargaining next day brought a tentative settlement.)

How do you celebrate a 40-year-old strike, one that went on for 18 months, and which, though technically won, found everyone fired in the end?

ITT readers may get a chance to take part in this vicariously. Catalyst Films of Madison got it all, as grist for a documentary they are making on newspaper strikes for PBS.

Part of Catalyst's material is also the three reels taken by the Hearst strikers themselves and used cross-country to raise strike funds. The Guild's strike benefits in the early '40s were \$7 a week, but the unit collected half a million dollars to keep it going.

“I looked up the records,” a young man from Madison Guild told the gathering, “and in the third day of your strike, we sent you a contribution.”

“Did you get it?” he asked. “If you did, could you send it back?”

In a few minutes, a contribution of \$500 was collected for the *Press Connection*.

Many of the strikers brought the others up to date on what they'd done since 1940. Bob Stack teaches labor arbitration at Roosevelt University, after a career with the United Auto Workers (UAW). Ben Yablonsky is professor of journalism at the University of Michigan, Ann Arbor, and director of the fellowships for journalism program, National Endowment for the Humanities. Others continued on papers in Chicago, although there was an active blacklist. These included Chandler Forman, retired *Sun-Times* travel writer, and Wade Franklin, travel editor for the now-de-

ceased *Daily News*. One of the most famous ex-strikers was Milt Woodard, head of the American Football League in the 1960s.

Mike Fusello's wife, daughter, and son were there. Fusello opened “Mickey's Famous Barbeque and Scotch Bar” on Ashland Avenue, Chicago, after the strike.

“I remember when I was six years old,” Mike Jr. told the crowd, “waking up one morning to see bullet holes in the family car. I knew I'd be blamed.”

The Eddie Clarke family—his wife, two daughters, and son—came to the reunion from California. Others came from the east coast, including Harry Wohl from Virginia. Wohl had been head of the Guild unit during the strike.

“From the day we organized,” Wohl remembered, “Hearst tested us. He had a ‘wrecking crew’ which went around the country breaking up unions. He fired 130 of us on the eve of Thanksgiving, and another batch just before Christmas.”

While the 400 strikers were out at the two Hearst papers, the AFL chartered another union in the plant to oppose the CIO Guild. So, after the NLRB finally told Hearst to hire back 60 of the 100 strikers left after 18 months (others shared a monetary award), it also ordered a new election. The AFL unit won, and the 60, with four or five exceptions, were summarily dismissed.

“After 40 years, we find the publishers have not learned their lesson,” Wohl said. “They are still trying to break the union. We saw it at the *Washington Post*, the New York papers, in Wilkes-Barre, and here.” He urged help for those “now waging this wonderful fight in Madison.”

There are a lot of people in Chicago now who remember walking the picket line with the Hearst strikers, including photographer Syd Harris.

Mike Alexandroff, president of Columbia College, was at the dinner. His father, head of the Columbia School of Dramatic Arts, was the first advertiser to pull his ads from the Hearst papers 40 years ago. Graham Dolan, one of the strikers, is a fulltime fundraiser for Columbia College today.

Studs Terkel and Win Stracke had a “mobile” theater that entertained the strikers, and were at the dinner. Curtis MacDougall, retired professor at Northwestern's journalism school, spoke about his early years in the Guild. “Keep alive labor's only weapon, the strike,” he admonished. “I'm afraid young people today will have to learn this firsthand.”

Pat Strandt, a member of the Newspaper Guild, is secretary of the Illinois Labor History Society.

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