

# The Handbook on How to Use the **FREEDOM OF INFORMATION ACT**

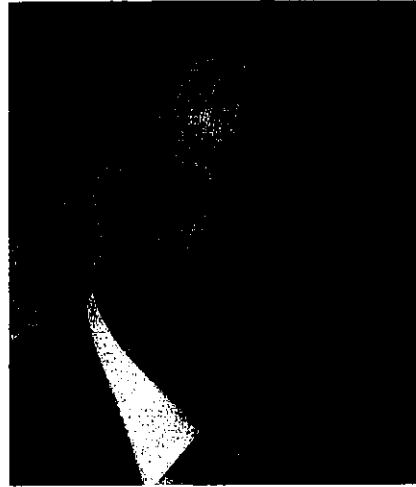


***Holding the Government Accountable for Its Actions***

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Published as a public service by the Church of Scientology

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**‘T***he real security of a nation is the intelligence and understanding of its people. Every effort should be made by government — the servant and not the master — to assure that maximum information be available to the people who are the ultimate power under the Constitution.*

*“No agency, no department, no individual has demonstrated a need so great as to avoid accountability for actions taken — for decisions made.”*

Representative John E. Moss, Ret.  
Father of the U.S. Freedom of  
Information Act



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Accountable for Its Actions*

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This handbook is offered  
as a public service  
by the Church of Scientology.

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*Additional copies may be ordered for \$4.50 each,  
\$90 for 25 copies, or \$280 for 100 copies. Price  
includes postage and handling. Make checks payable  
to the Church of Scientology Western United States.*

This handbook does not contain legal advice,  
which can only be given by an attorney. It is  
intended to help persons make Freedom of Informa-  
tion requests and obtain access to records simply and  
directly as intended by Congress, and thereby help in  
maintaining a democratic form of government.

ISBN 0-915598-38-8

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# INTRODUCTION

by Quinlan J. Shea Jr.

## Freedom of Information Act: Public Access to Government Information

**A**n earlier version of this valuable handbook correctly praised the Freedom of Information Act as one of the most powerful tools ever put into the hands of the people of a country seeking to ensure integrity in their government.

Before the Act was passed in 1966, there was no law that provided for public access to government information. You could ask for

information, but, far more often than not, those requests were denied or ignored.

In practice, however, there was much dissatisfaction with the original statute, and it was substantially strengthened in 1974.

Just what is the Freedom of Information Act?

In essence, this law provides that any person

can request access to any records of the executive branch of the federal government, and that those records must be released unless protected from mandatory disclosure by some provision of the Freedom of Information Act itself, or of some other federal law.

If only part of a record is exempt, that portion may be excised, but the remainder must be released. This right of access is enforceable, if necessary, by filing suit in United States District Court, where the government must carry the burden of proving that the denied material is exempt.

Why do we need a Freedom of Information Act?

Simply stated, we need it to help us learn what is going on inside our government. Any government, regardless of the political party in power, will seek to conceal some of the things it does and, more frequently, the reasons for actions taken or not taken.

Some small part of that secrecy can be justi-

fied, at least for a time, but the recent history of this country is replete with examples of secrecy beyond any possibly legitimate need, in terms of both scope and duration.

It makes sense that some information pertaining to intelligence and law enforcement activities must be kept secret, and the personal privacy of individuals must not be wrongly invaded. The exemptions in the act cover these areas, and others.

They make sense in theory, but not as applied by the government. Even so, the Freedom of Information Act has helped us learn about COINTELPRO,<sup>1</sup> Watergate, the assassinations of President Kennedy and Dr. Martin Luther King Jr., the toxics poisoning our land, water, air, and bodies, the FBI's CISPES<sup>2</sup> investigation and Library Awareness Program,<sup>3</sup> and the Iran-Contra affair.

The Church of Scientology, for still another example, used the act to obtain access to documents about bacterial testing conducted by the Army and the CIA, and directed against unsuspecting travelers in the Washington, D.C., area and perhaps in Chicago, New York, San Francisco, and other American cities as well (the released records were heavily excised).

Secrecy is the mortal enemy of democracy. The relationship between them is simple and direct: the more secrecy, the less democracy. The more that citizens are told that they must trust their government — take on faith its integ-

<sup>1</sup> COINTELPRO: Counter-Intelligence Program. An FBI program that included the use of illegal surveillance and dirty tricks in the 1960s and 1970s.

<sup>2</sup> CISPES: An acronym for the Committee in Solidarity with the People of El Salvador. CISPES is a U.S. political group which the FBI began investigating in June 1981. According to a July 14, 1989, report by the Senate Select Committee on Intelligence, "The Committee and the FBI Director reached the same basic conclusions: the FBI international terrorism investigation of CISPES was initiated primarily on the basis of allegations that should not have been considered credible."

<sup>3</sup> Library Awareness Program: An FBI program wherein the bureau monitored the use of libraries by individuals in certain cities.

***"What can you do? First and foremost, use the Act. It may be flawed, but it is still the best tool available to us as we try to learn what our government is doing, and not doing, and why."***

rity, and the societal value of what the government is doing and why it is doing it — the greater is the tendency away from democracy as we would like to see it.

Instead, the tendency is, potentially at least, in the direction of a society in which the people lose any right to know, and even the right to question or challenge the actions of the government.

We have yet to experience in the United States anything like a true golden age of citizen access to government information.

The period from 1975 to 1981 is as close as we have come. In 1981, however, the tide began to run strongly in the wrong direction. A relentless onslaught was directed against the people's right to know in every possible sense, not just attacks on the Freedom of Information Act. The hostility to citizen awareness differed in kind, not just degree, from that manifested by previous administrations, both Republican and Democratic.

Career bureaucrats and executive appointees sought, beginning in 1981, to reduce as much as possible the amount of information the government disseminated. They consistently increased the cost of whatever information was released. They simply abolished many government publications. They supported the passage of bills that would have gutted the Freedom of Information Act, and succeeded in passing bills that weakened the Act either directly or indirectly.

They slowed the processing of FOIA requests, while substantially eliminating releases of exempt material as a matter of government discretion.

The practice of putting out disinformation became more widespread than ever before, and concern for "spins"<sup>4</sup> on the news often treated truth as an irrelevancy.

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<sup>4</sup> Spins: Jargon describing a form of media manipulation wherein a news story is disseminated by an agency or entity with a certain emphasis, i.e., with an angle or "spin," to ensure it gets used by the media, to the advantage of whoever puts it out. This is often done without regard for the actual truth of the story.

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None of this was an accident. None of it was the to-be-regretted consequence of budgetary hard times. These people knew precisely what they were doing. Their actions were planned, deliberate, coordinated, and fully intended to keep the American people much less informed about what their government was doing.

Hypocrisy was as prevalent as secrecy. The most reactionary disciples of secrecy professed to be friends of openness in government, to believe in the people's right to know and the Freedom of Information Act.

This handbook is intended to help each reader use the Freedom of Information Act successfully by making it a little harder for government officials to deny rights guaranteed by the Act. But don't make the mistake of assuming that the Act is likely to enable you to obtain access to all of the government information you would like to have. The exemptions in the law are written more broadly than necessary, and are applied even more broadly by political appointees and career bureaucrats trying to thwart the people's right to know.

What can you do? First and foremost, use the Act. It may be flawed, but it is still the best tool available to us as we try to learn what our government is doing, and not doing, and why.

Second, help to protect the Act against efforts to narrow its scope, and to broaden the exemptions to access. Lastly, work both to strengthen the Act and to improve its administration so that it can be even more valuable in the future than it has been in the past.

I commend the Church of Scientology for reissuing this very useful handbook. Doing so is indeed a public service.



*“A popular Government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.”*

James Madison, 1822



# The Purpose of the Freedom of Information Act

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► *This chapter covers how the Freedom of Information Act (FOIA) helps accomplish the purposes of our democratic form of government, including how the FOIA came into being, and how it has been used to advance the cause of a free and open government “Of the People, By the People, For the People.”*

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## The Relationship of Government to Citizens

**A** democratic<sup>1</sup> government depends on a free flow of information between government and those governed.

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<sup>1</sup> Democratic: Of or like a government run by the people who live under it. In a democracy, the people rule either directly through meetings that all may attend, or indirectly through the election of certain representatives to attend to the business of running the government.

An informed citizenry is capable of making intelligent decisions concerning its own future.

The Freedom of Information Act is a vital means by which to discover what the government is doing that affects you.

Our Founding Fathers rejected the notion that people had to be “ruled” against their wishes. Instead, this country was founded on a very unique notion for the governments of this planet: Government was to be the servant, not the master. Our Founding Fathers observed very early that citizens had a need to be kept accurately and truthfully informed. Thus, the First Amendment to our Bill of Rights deals with freedom of the press, the main channel of

information to the citizens of the United States. The idea was that people could decide for themselves, if adequately informed.

## How the Freedom Of Information Act Came to Be

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**D**uring and shortly after World War II, some government officials came to believe in the need for ever-increasing secrecy. The OSS<sup>2</sup> (later CIA) came into being. The “cold war”<sup>3</sup> with Russia, McCarthyism<sup>4</sup> and other crises created an environment that allowed the government to secretly pursue policies without the knowledge or support of the public. While some secrecy is necessary for the security of our country, excessive secrecy defeats the democratic principles upon which our country was founded.

Thus, our government began to slip from the high ideals on which it had been founded.

In 1966, as members of Congress became aware of the ever-increasing secrecy, a law was passed giving people a right to see and know what was in secret government files. This was the original Freedom of Information Act.

It was signed into law on July 4, 1966, by then-President Lyndon B. Johnson, who

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<sup>2</sup> OSS: Office of Strategic Services. Forerunner to the CIA, founded during World War II.

<sup>3</sup> Cold War: A term used to describe the diplomatic, economic and psychological conflict between Russia and the United States starting shortly after World War II.

<sup>4</sup> McCarthyism: The public investigation of Communist activities in the United States in the early 1950s, characterized by sensational public hearings, blacklists, and public scandal.

stated that “a democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest.”

Watergate proved to Congress, the news media, the public, and the world that there existed a need, greater than ever, for a Freedom of Information Act with teeth, one which would provide citizen access to government records, making it possible to expose government corruption.

Thus, in 1974, a rare combined effort by the Democratic and Republican parties produced a stronger, more effective Freedom of Information Act. The new FOIA was vetoed by then-President Gerald Ford, but the veto was overridden by another show of congressional strength.

In the years since 1974, a 1982 Executive Order<sup>5</sup> and a series of 1986 amendments to the FOIA have served to weaken citizen access to government records through the FOIA.

## How Congress Intended the FOIA to Be Used

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**T**he FOIA is intended to be used generally for public access to the records of government. Thus, the FOIA can be used by:

- A. Individuals seeking information concerning decisions of the government that affect themselves or are of public interest.
- B. Public interest or “watchdog” groups

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<sup>5</sup> Executive Order: An order from the president of the United States to executive departments and agencies, setting policy or establishing guidelines for the administration of these agencies.

seeking information on the operation of government. This allows for effective and informed public oversight of the operation of government, as occurred during Watergate.

C. Media, including press, television and radio, seeking to gather information for public dissemination.

D. Consumer groups<sup>6</sup> seeking access to information in the files of government agencies to inform consumers of information important to their well-being and to ensure that special interest groups do not unduly and unfairly influence government decisions.

E. Historians seeking access to information to inform the public of important events that shaped America's history.

While this is by no means a complete list, it is representative of some of the more public-minded uses of the FOIA.

Individuals do not need to prove their right to the information they request. The information is presumed available, unless it falls into one of nine possible, limited exemptions under which information may be denied.

Requests under the FOIA tend to fall into three major categories:

1. Individual Files: These files concern individuals on whom the government has compiled information.

2. Organizational Files: These files relate to organizations on which the government has compiled information.

3. Subject Matter or Event Files: These include files concerning specific events, or subject matters. "Student demonstrations in Westwood on April 3rd, 1976" is an example of an event. "Testing of the drug aspirin" would be an example of subject matter.

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<sup>6</sup> Consumer Groups: Groups, such as the Consumers Union, which publishes *Consumers Digest*, that represent the interests of American purchasers of goods and services both to business and to the government.

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## How the FOIA Has Been Abused By Government Agencies

**T**he FOIA was created to assure public access to records, since federal agencies tended to favor operating in secrecy.

They still do.

Thus, they often seek to circumvent the FOIA through excessive withholding of records.

For example, the vast majority of the millions of files compiled by the Internal Revenue Service (IRS) are routinely withheld from the public by the IRS on the claim that the records are "tax return information." The IRS defines this term to include virtually all of its records. This is disturbing due to the history of IRS abuses;

the tax agency has frequently engaged in harassment of political enemies, intelligence gathering, and other non-tax-related functions. More than most agencies, the IRS requires congressional and public oversight.

An IRS memorandum obtained in 1989 by FREEDOM Magazine, published by the Church of Scientology, provides an example. The memorandum, written by a senior official at the IRS national office, was distributed to IRS regional offices and stated, "Please note that the information contained in this memorandum should not be made available to the public under the Freedom of Information Act, as the list identifies specific organizations either presently under examination or contemplated for examination."

The subject of the memorandum was "Quarterly List of Churches." Attached to the document was a 16-page list of churches and other religious organizations, including Baptist and Assembly of God congregations, to be singled out for special harassment and discriminatory audits.

The document shows how the IRS seeks to circumvent the Freedom of Information Act, and demonstrates the need for oversight.

The FBI has refused to release files, citing "national security" or other reasons. In one case, release of a file was denied by the bureau even though the file related only to a 12-year-old student and his personal project concerning the nations of the world.

The student, Todd Patterson of North Haledon, New Jersey, became interested in other lands as a result of a seventh-grade research project on Canada. Over the summer, he began writing to other countries, asking for information, until he had written to a total of 169 different nations.

The FBI started an investigation to determine to whom the foreign mail had been addressed. Among other things, an FBI agent visited the home of Todd and his parents.

Todd has sought to obtain his file from the FBI under the FOIA, but the bureau said his file was confidential because of "military state secrets."

Other agencies delay releasing information for so long that the information is effectively denied, or is no longer of use for the purpose for which it was originally sought.

For example, the U.S. office of Interpol<sup>7</sup> (known as Interpol's U.S. National Central Bureau or USNCB) has regularly delayed its FOIA responses for many months.

The consequences of these delays on effective oversight are far-reaching. This is especially true since Interpol shares computerized dossiers with member countries around the world, including communist nations such as Romania, Hungary, Yugoslavia and Cuba, and countries that have supported terrorism, such as Iran and Libya.

Information on American citizens can be transmitted via Interpol to these countries. As Interpol has been notorious for distributing false or inaccurate information to foreign police and government agencies, this can result in harassment or imprisonment of Americans traveling abroad.

With its long delays in handling FOIA requests, Interpol's USNCB has made outside review of its actions in transmitting information on private individuals difficult to enforce.

There is another reason for concern over Interpol's unique position of being able to gather sensitive information on individuals with no checks on how the organization uses or spreads such data: Top Interpol officials in several countries, including Mexico, Panama and Bolivia, have been linked to international drug trafficking and other illegal activities.

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<sup>7</sup> Interpol: The International Criminal Police Organization, a private group headquartered in France, with 146 member nations.

For example, Interpol's chief executive in Panama since 1983, Lieutenant Colonel Nivaldo Madrinan, was reported in the Panamanian press and elsewhere as being responsible for killing a well-known Panamanian civic leader, Serafin Mitrotti, in 1983, just after Mitrotti had begun a major anti-drug campaign.

Madrinan told Mitrotti's family that the death had been a "suicide," even though both of Mitrotti's wrists had been cut to the bone, severing all tendons and muscles.

The National Commission on Law Enforcement and Social Justice (NCLE), a citizens' rights group established by the Church of Scientology, reported that Col. Roberto Diaz Herrera, the former second-in-command of the Panamanian Defense Force, said Madrinan ordered that Mitrotti be killed to silence his anti-drug efforts.

According to other information obtained by NCLE, drug-trafficking reports have been transmitted from Interpol headquarters in France to Interpol in Panama, and have been used by the Interpol staff in Panama to identify drug traffickers so that the Interpol staff could then take a cut of the drug profits.

Also in Latin America, Klaus Barbie,<sup>8</sup> the notorious Nazi war criminal, was reported to have frequented the Bolivian Interpol office in the late 1970s and early 1980s, and to have been granted free access to telexes and dispatches in the office. At the same time, Barbie ran a terrorist organization called the Bridegrooms of Death. His job: to protect the cocaine lords of Bolivia and to stamp out their competition.

In view of the evidence of Interpol's complicity with drug trafficking, the fact that information on drug enforcement agents, other government officials and private citizens who are anti-drug could easily

<sup>8</sup> Barbie was known as the Butcher of Lyon due to his gory deeds as second-in-command of the Gestapo in Lyon, France, during World War II.



wind up in the hands of major drug traffickers is of international concern.

As many of the agencies most needing oversight, like Interpol's U.S. National Central Bureau, have become the most fervent enemies of "free and open government," a strong Freedom of Information Act with effective means for oversight is imperative.

## **How the FOIA Has Been Used to Help Ensure the Government Is Abiding by the Law**

**T**he FOIA has been extensively used by the press and the public to expose government corruption and wrongdoing. Such exposure is val-

uable as it places citizens in a position to demand that the government abide by the law.

The Church of Scientology, for example, used the FOIA to uncover previously secret government-run chemical and biological warfare experiments in the United States on unsuspecting citizens. The information obtained by Scientologists received extensive publicity and resulted in a far greater awareness of the dangers of such testing.

Many other public interest groups have used the FOIA to discover such information as:

- Documents revealing the establishment of political intelligence and harassment programs by both the IRS and the FBI.
- Reports on the treatment of prisoners

of war in Vietnam.

- Information revealing dangerous side effects of over-the-counter drugs.
- Withheld evidence of the 1942 internment of Japanese-Americans.
- Nuclear Regulatory Commission reports on the safety of nuclear power plants.

Under the FOIA, a Portland, Oregon, newspaper, *The Oregonian*, revealed that a federal project in Washington state was dumping hazardous chemicals into the ground. Disclosure of this information helped to stop the dumping.

These are just a few examples of valuable information that has been revealed under the FOIA, exposing government corruption and thereby enabling citizens to demand and ensure the government is abiding by the law.

# Overview of How the FOIA Works

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► *This chapter provides an overview of how the FOIA works, including a discussion of strategic use of the FOIA.*

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## To Whom Do I Write?

**T**he FOIA permits you to ask for certain types of information from any federal "agency." The term "agency" includes any executive or military department or office, government corporation or other establishment in the executive branch of the government. Independent federal regulatory agencies<sup>1</sup> such as the Environmental Protection Agency, and government-controlled corporations such as the Postal Service are also included.

Many state governments have similar Freedom of Information laws. Although they are mostly patterned on the federal legislation, there are some differences from

state to state. (This handbook concerns the federal Freedom of Information Act only; information regarding any particular state's laws can be obtained by writing to that state's attorney general.)

There is no central government FOIA office. Therefore, FOIA requests should be directed to the specific agencies or areas of government most likely to contain the information you seek. Use the list of government agencies, included in the appendices on page 42, to aid you. The U.S. Government Manual, available at most libraries or from the U.S. Government Printing Office, may also help.

One large agency (such as the Treasury Department) may itself contain several components (such as the IRS, Customs, and others). Do not consider that one request to "The Secretary of the Treasury" will reach the IRS, Customs, etc. Write to the specific component whenever possible, and determine whether the information you seek is contained in the files of local federal offices (in all the states), or at their headquarters in Washington, D.C. A phone

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<sup>1</sup> Regulatory agency: An agency that enforces specific sections of federal law (such as the Environmental Protection Agency), as opposed to one that enforces all federal laws broadly (such as the FBI).

call to the agency's FOIA office in Washington can help to determine this.

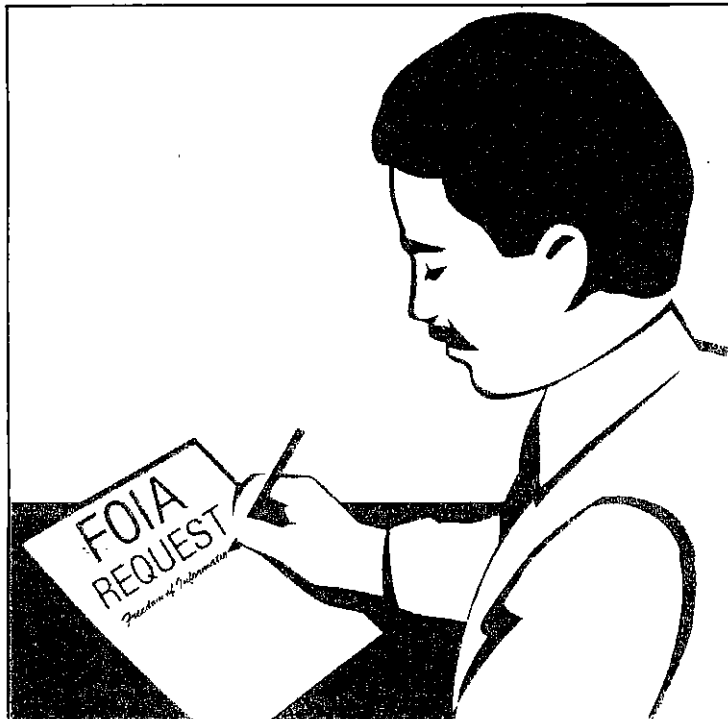
The more focused your requests, the more likely you are to hit your target.

This does not mean, however, that you should restrict yourself to sending only one request. Governments have a fondness for paperwork. The tendency of government agencies is to make multiple copies of reports and spread them to other agencies.

Thus, one agency may deny access to all or part of a report. Another agency, less possessive or perhaps less jealous of other agencies' secrets, may release more of that same document to you.

One agency may release partial information, or give clues as to the existence of other information. With the partial information released by one agency, you may be able to make requests to other agencies more specific, and thus more effective.

A series of requests, directed with pinpoint accuracy to numerous subcomponents and offices, is far more likely to succeed than a broad request to just one



agency. Name the names of people who may be involved in originating, receiving, or storing the information you seek. Provide dates or time periods. Specify locations. The more precise your request, the less opportunity you provide for your documents to be "overlooked." Use of the FOIA can be very much like solving a complex puzzle.

## Writing the FOIA Request Letter

**O**nce you have determined exactly what you want, and who you want to request it from, write your first FOIA request letter(s). Keep a copy of all letters that you send. (Exactly how to prepare request letters is covered in the next chapter.)

Some agencies have specific regulations regarding the FOIA that may affect how you should direct your request. A phone call to the agency's FOIA office in Washington should be sufficient to obtain any specific information for that agency.

You can also go to your local library and look in the Code of Federal Regulations for the specific agency regulations that may affect your FOIA request.

## Obtaining Agency Response

**T**he FOIA states that agencies must respond within 10 working days, except in "unusual" circumstances. There have been scattered reports of compliance by some agencies, though



compliance within these time limits is rare.

If you receive no response by the end of 10 working days, a phone call to your agency's FOIA office is recommended. Take notes as to whom you spoke with, what was said, and the date of the conversation. Copies of your letter marked "second request," "third request" and so on, sent to the agency at regular intervals, may also be effective.

Once you receive a reply, you must then decide whether the response was adequate, or whether you feel more information should have been provided. In the latter case, an appeal is in order.

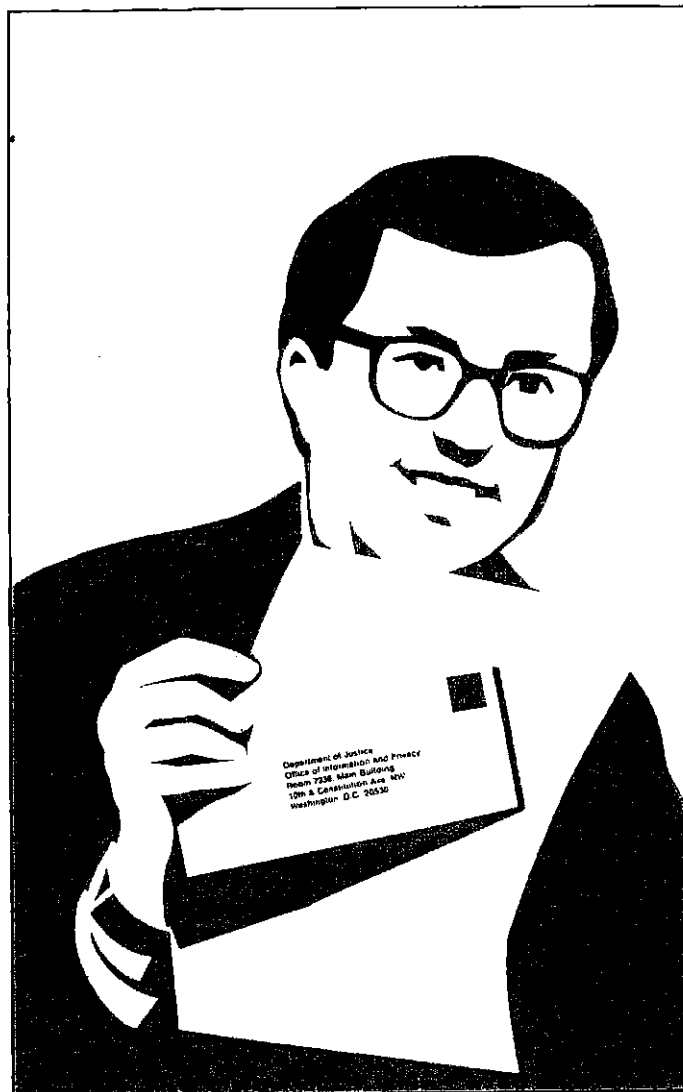
## Appealing Inadequate Responses

**A**n appeal usually needs to be filed within 30 days of receipt of the reply from the agency. The time period varies with each agency, however, so you should find out from the agency concerned what its time limit for appeals is.

When the agency finally responds to your original request, it will tell you where you may file an appeal. Routinely, appeal letters take roughly twice as long to process as the original request. By law it should only take 20 working days.

Remember: The burden is on the agency, not you, to establish the rightness of their decisions. You need not study law to tackle an agency head on. According to the Freedom of Information Act, information should be disclosed to you unless one or more of the nine limited exemptions apply. These exemptions are explained on page 21.

It is up to the individual at the agency who is handling your request to prove that



withheld documents and information are being rightfully withheld. Any information you may have to support your appeal will of course help. But you do not have to make any argument for an appeal to be heard. Your request for review is sufficient to bring your appeal to the attention of those in charge of FOIA review at an agency.

## Getting Help

**A**t some point, you may wish to seek outside assistance with your FOIA request.

Numerous groups exist that have

a strong interest in free and open government. Names and addresses of some of these groups are included in the appendices on page 45.

Further, you may wish to call your congressman or senators. They are your representatives in government. Someone on their staff may be willing to make an inquiry to an agency on your behalf.

## Litigating To Obtain Compliance

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**L**itigation is very straightforward under the FOIA and may be necessary if an agency does not comply with a rightful request. Litigation is often successful to some degree in at least forcing the agency involved to provide detailed descriptions justifying its decision to withhold documents.

This handbook, however, does not deal with litigation strategy under the Freedom of Information Act. You may wish to obtain "Litigation Under the Freedom Of Information Act and Privacy Act?" a book published by the Center for National Security Studies. The center's address is included in the appendices on page 45.

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<sup>2</sup> Privacy Act: This act provides safeguards for individuals against invasion of privacy by federal agencies and permits individuals to see most records pertaining to them maintained by the federal government.

## Fees

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**Y**our obligation to pay fees depends on who you are, and the reason you want the information.

**A. Commercial Requesters:** Commercial requesters (businesses or individuals acting in a business capacity) pay for search and review time, and for copying costs.

**B. Public Interest Groups:** These include news media, educational, and non-commercial scientific groups. Such groups pay for copying costs only.

**C. All Others:** Groups or individuals not falling into either of the two categories noted above are entitled to up to 100 pages of free copying, and up to 2 hours of free search time. Any time or copies beyond these limits are paid for by the requester.

Each agency differs in its charges for processing FOIA requests. Typical copy costs range between \$.10 and \$.25 per page. Search and review costs also vary, with the average being \$20 per hour. Some agencies, however, such as the National Security Agency, charge far more for search and review. Thus, it may be wise to request that the agency contact you with an estimate of costs if expected to exceed an upper limit set by you. (See sample letter, page 17.)

Agencies are not allowed to demand advance payment of fees unless (1) you have failed to pay an earlier bill on time or (2) your bill is going to exceed \$250.

Fees may be waived if the information sought is likely to be in the public interest. If your request for a waiver of the fee is denied, that too may be appealed.

# How to Write an FOIA Request Letter

► *This chapter contains guidelines which will assist you in writing FOIA request letters.*

**Y**our FOIA request letter needs to include the following basic information:

1. A clear statement that your request is being made under the Freedom of Information Act (and Privacy Act if you are requesting files on yourself as an individual).

In the sample letter shown on page 17, this statement is in the first paragraph, and also in the heading to the letter.

2. A description of the material being requested. The law requires that your request must “reasonably describe” the records you seek.

A. When requesting files or information on individuals, include any variations in spellings, nicknames, stage names, married and single names, titles, AKAs,<sup>1</sup> and the like. Also include specifics, such as birth dates, Social Security numbers, addresses, etc.

B. When requesting files or information

on groups, list any parent or junior organizations with which the group may be affiliated, any coalitions to which the group may belong, or any initials by which the group may otherwise be known (e.g., ACLU for American Civil Liberties Union).

When in doubt, consider this: agencies may not provide you with information dealing with a group or individual whose name you do not provide to them exactly as it appears in their files or documents. It is up to you to not permit them to use this loophole.

C. Use “and/or” to describe the different subject matters under request in order to ensure your request is all-inclusive.

D. Specifying the relevant time period can also help the agency personnel zero in on the records you are requesting. If you wish all records covering a five-year period, state “covering all records from 1985 to 1989 inclusive,” for example.

If an event occurred on a particular day, state the exact date, but also request all information generated prior to and subsequent to that date so as not to unnecessarily limit your request.

<sup>1</sup> AKA: “Also Known As.” A name commonly used instead of one’s real name. Example: Smith, Jones & Brown Company, AKA the Smith Company.

3. A request that the costs not exceed a limit without your authorization. If you wish a waiver of the fees, ask for this, but still state that you will pay the costs up to the limit you specify. This is to prevent the agency using questions about the fee-waiver issue as an excuse to withhold the documents. (See sample letters for language that can be used.)

4. You should include your phone number as some agencies may wish to call, either for more information or to simply let you know that they have received and are processing your request. Also, of course, include your return address.

5. If your request is for your individual files, your signature needs to be notarized. Most real estate offices, banks, savings and loans, and many tax preparers' offices either have a notary public or know where you can find one. You may also look in your yellow pages under "Notaries Public." Agencies may also require that you provide a photocopy of an identifying document, such as a driver's license or a Social Security card. This is especially true when dealing with FOIA requests to the IRS, as it is required by law that the tax agency ensure it is distributing taxpayer information to the correct person.

If your request is not for your individual files, your letter does not have to be notarized.

6. Your letter should be typed and dated. The envelope should state on the outside "Attention: Freedom of Information/Privacy Unit."

After writing your letter, make a copy of it before sending the original.

The appendices contain a list of some agencies and addresses to which you can address your requests. If the agency you

want is not in the appendices, directory assistance for Washington, D.C., (202) 555-1212, may be able to help you.

Important note: There are three agencies you need to pay special attention to:

A. Internal Revenue Service (IRS): If you are requesting files on an individual other than yourself, an affidavit from that person is required. This affidavit should authorize you to receive the files, and must delineate the "tax years" you want searched, otherwise it will be rejected by the IRS as an "invalid request."

If you are requesting access to your own records, you need to present an affidavit delineating the "tax years" you want searched, and you also need to establish your own identity by presenting either a notarized statement swearing to your identity, or a document, such as a passport, which bears your photograph, name and signature.

B. Federal Bureau of Investigation (FBI): Request letters should go to both the FBI headquarters and the FBI field office nearest the location of the individual, organization, subject matter or event. The FBI also requires that your request include your full name, address, date and place of birth, and Social Security number. The FBI further requires that your signature be notarized.

C. Immigration and Naturalization Service (INS): Original request letters should go to the district office nearest the location of the individual, organization, subject matter or event.

In general, original request letters should go to both the headquarters and the local office in your area.

A sample request letter follows.

The text contained in brackets is optional, or contains choices for you to make.

# ▶ Sample FOIA Request Letter

Date

Freedom of Information Office/  
Public Affairs Office  
Name and Address of Agency

Re: Freedom of Information Act [/Privacy Act] Request

Dear Sir or Madam:

This is a request for information made pursuant to the Freedom of Information Act [include "and Privacy Act" if applicable].

I hereby request copies of all records, notes, electronic information, or other information described as follows:  
(Specify the files you want.)

I am requesting this information for [(choose one) my individual use/commercial use/non-commercial scientific or educational use].

Please obtain approval from me before incurring any expenses in excess of \$\_\_\_\_. [You may select whatever dollar amount you wish.]

[If you are seeking a waiver of fees, include the previous paragraph and also include the following paragraph:

However, I request a waiver of fees. My interest in the records is not a commercial interest, and disclosure of the information to me will contribute significantly to public understanding of the operations and activities of our government. (Include further details here of how disclosure is in the public interest.)]

If you have any pamphlets or material which help explain your documents, or the symbols used thereon, I would appreciate a copy.

I would appreciate a response within the 10 working days prescribed by law. If for any reason your decision is to deny me any of the requested information, I request precise information as to why the requested information has been denied, as well as an explanation of my appeal procedure.

Thank you for your assistance.

Sincerely,

Your name  
Address  
Daytime telephone number

# ► Here is a second sample FOIA request letter

This was actually filed and resulted in the release of FOIA documents.

## FREEDOM M A G A Z I N E

1404 N. CATALINA STREET, LOS ANGELES, CALIFORNIA 90027 (213) 663-2058

8 September 1988

United States Air Force  
SAF/AA DADF  
Washington, D.C. 20330  
Attention: FOIA Request

Re: FOIA Request

Dear Sir:

I am the Editor of FREEDOM Magazine and a representative of the news media. Pursuant to the Freedom of Information Act, 5 U.S.C. 552, (FOIA), I hereby request certain records in the control or custody of the United States Air Force as described below:

Any and all records concerning the testing of amphetamines as described in the attached article in the Los Angeles Herald Examiner dated 7 September 1988. This would include, but not be limited to, any records, information or studies by the U.S. Air Force, Gregory Belenky, a Walter Reed scientist, Ben Smith of Walter Reed, or any other individuals or entities.

This search should include all files repositories which could reasonably contain records and information relating to the amphetamines or "speed" testing being done on students or U.S. military men by the United States Air Force or other entities or individuals. It should be limited to the years from 1983 to present.

This request includes any computerized records, telexes, dispatches, archived materials, status reports, progress reports, drug protocols, or other materials or information.

FREEDOM is willing to pay the United States Air Force's reasonable duplication fees to comply with this request as long as these do not exceed the amount of \$100. However pursuant to the U.S. Air Force's standards for waiver of fees, fees should be waived since disclosure of the information is requested by a news

8 September 1988  
Page 2 of 2

magazine and meets both of the following tests: (1) disclosure is in the public interest because it is likely to contribute significantly to the public's understanding of government operations and activities, and (2) is not primarily in the commercial interest of the requester.

FREEDOM Magazine is a periodical organized and operated to publish news to the public. It has been published for over 20 years and specializes in investigative reporting concerning current events or information that is of current interest to the public. FREEDOM is available for purchase and subscription by the general public throughout the United States.

If you determine to withhold any information, please segregate portions of non-exempt materials from those portions determined to be exempt under FOIA 5 U.S.C. 552 and supply me with those remaining non-exempt portions. Please also provide me with an index describing any documents withheld in whole or part.

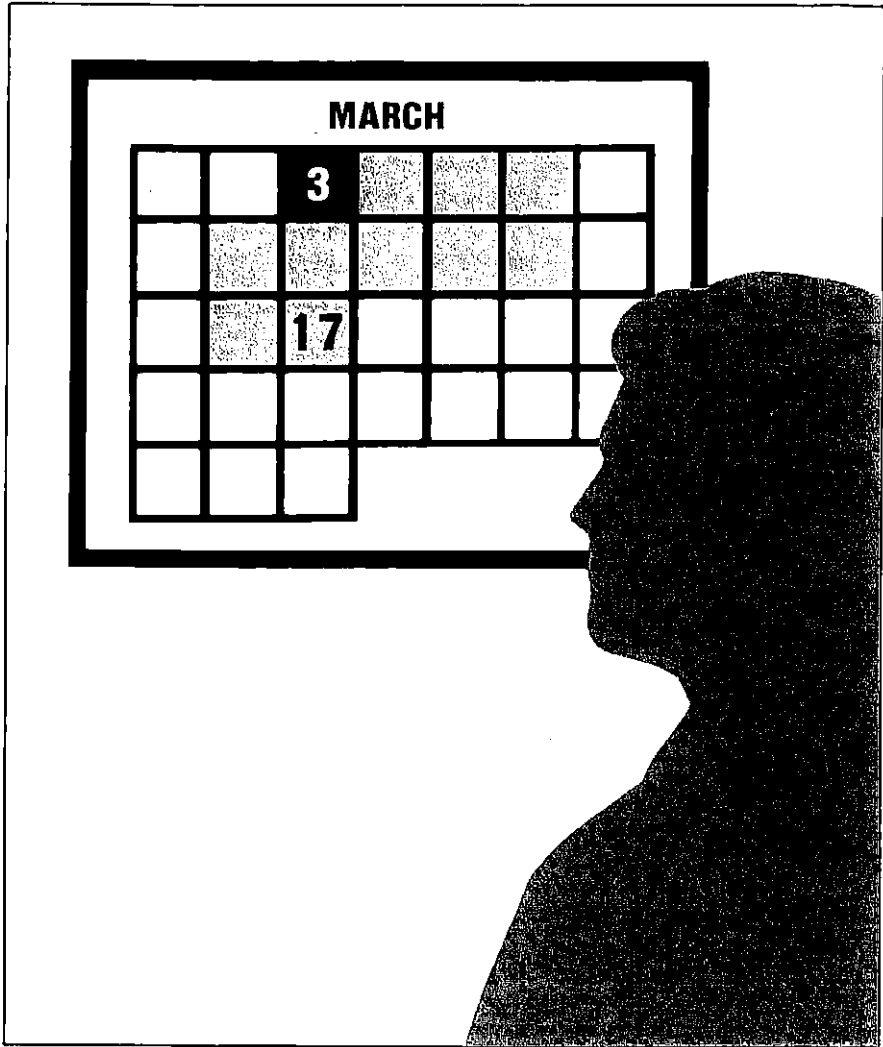
Please contact me at the address listed above, by phone or letter if you require further clarification of this request. I expect a response in ten working days.

Sincerely,



Thomas G. Whittle  
Editor  
FREEDOM Magazine  
(213) 663-2058

TGW/ems  
encl:





# The Agency Response

► *This chapter examines what you should expect regarding the agency's response.*

**T**he law requires your request to be responded to within 10 working days. Do not expect this, however. Responses can take months, even years, in some cases. You will generally receive a form letter from the agency within two weeks acknowledging receipt of your FOIA request, but asking for additional time to process it.

If the agency does not respond within the 10 working day period required by law, you may wish to consider your request as having been denied. In this way, you may go on to appeal without waiting. A prudent approach would be to wait some reasonable time before appealing. If your appeal is then not decided upon within a reasonable time after the 20 working day period required by law, you can sue the agency in court. (See next chapter.)

When the agency does respond, you will receive one of three answers:

1. Your request is granted in full.
2. Your request is partially granted. The reasons for withholding the balance of

the information are given, with exemption codes cited. The agency will also supply you with a definition of the exemption codes when they are withholding information.

3. Your request is denied in full. Again, the exemptions justifying why the agency is withholding the information will be given to you in a letter from the agency, along with the definitions of the exemption codes being used.

## Exemptions

**T**he FOIA contains nine limited exemptions that permit (but do not necessarily require) the government to withhold information.

Remember, the information you seek is presumed releasable to you. It is not up to you to prove why you have a right to the information. The government must show

why the information falls under one of the nine exemptions. None of the exemptions permit the withholding of an entire document if the withholding of only a portion would satisfy the exemption. Since the exemptions are listed under Section 552(b) of the Freedom of Information Act, all of the exemption codes start with "(b)," then a number: e.g., "(b)(1)."

Exemption (b)(1):  
National Security<sup>1</sup>

Various Executive Orders define what information may be kept secret "in the interest of national defense or foreign policy."

Exemption (b)(2):  
Internal Agency Rules  
Information "related solely to the internal personnel rules and practices of an agency" need not be released under the FOIA. This covers such matters as parking regulations for employees of the agency involved.

Exemption (b)(3):  
Information Exempted  
By Another Federal Statute<sup>2</sup>

This exemption is designed to relieve any conflict between the Freedom of Information Act and other federal laws (such as laws dealing with the confidentiality of census data).

Exemption (b)(4):  
Trade Secrets<sup>3</sup>

Trade secrets obtained by the govern-

<sup>1</sup> National Security: Of or pertaining to the safeguarding or protection of a nation against foreign attack.

<sup>2</sup> Statute: An act of legislature, an administrative regulation, or any enactment, from whatever source, to which the government gives the force of law. As used here, it means a section of federal law as passed by Congress and signed into law by the president.

ment are absolutely protected by this exemption. Commercial or financial information is likewise protected if the government can prove that the information is confidential and that its disclosure would impair the government's ability to obtain such information in the future.

Exemption (b)(5):

Internal Agency Memoranda

Information about an agency's internal decision-making processes is exempted. Thus, preliminary drafts and unfinished reports may be withheld, but the final decisions and memos may not. In addition, confidential communications between a client and an attorney, and documents prepared by an attorney for litigation are exempted.

Exemption (b)(6):

Personal Privacy

This exemption permits the withholding of information if its release would constitute "a clearly unwarranted invasion of personal privacy." Thus, personnel files, medical files, or other intimate information on third party individuals (not on organizations or yourself) may be withheld.

Exemption (b)(7):

Law Enforcement Records

Information compiled for law enforcement purposes may be withheld only to the extent that production could reasonably be expected to interfere with current or future proceedings, disclose a confidential informant's identity, invade a person's privacy unnecessarily, interfere with a person's right to a fair trial, disclose non-public investigative techniques or procedures, or endanger the life or safety of law enforcement personnel.

Exemptions (b)(8) and (b)(9):

<sup>3</sup> Trade Secrets: Information relative to an industrial process or the conduct of a business, known only to the owner and those of his employees in whom it is necessary to confide, and not available to the trade or the public generally. The formula for Coca-Cola is an example of a trade secret.

*"Government agencies are not ordinarily cooperative with regard to release of material under the FOIA. After all, the FOIA was passed by Congress because of the tendency for secrecy within government agencies."*

These exemptions deal with the banking and oil industries, and generally have little relevance to most individuals and their FOIA requests. See the text of the full Freedom of Information Act in the appendices on page 37 for more information on these exemptions if desired.

## How to Review Your Documents

**G**overnment agencies are not ordinarily cooperative with regard to release of material under the FOIA. After all, the FOIA was passed by Congress because of the tendency for secrecy within government agencies.

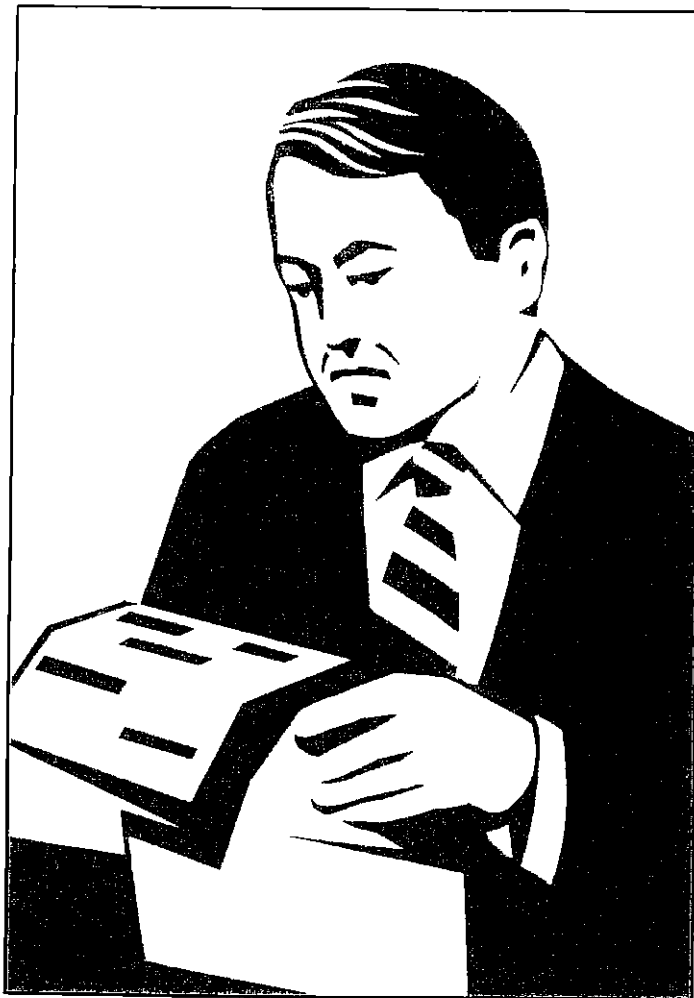
Therefore, you should expect to have to do more than merely ask for the documents you want.

Here are a few tips on how to make your FOIA actions maximally effective:

1. When you get a packet of documents back from an agency, before you do anything else with them, number them, in ink, on the back side. This forms a record of what you have received from the agency and will help you to keep track of your documents. You should also write down a separate inventory of what you received. Compare it to what the agency says it is releasing to you. If there is any difference between what the agency says it is releasing and what you see you have received, write at once to the agency and ask for the remaining materials.

2. Many agencies number their documents on the face of the documents. The numbering system can itself tell you something about your file. Such numbers are usually on the lower righthand corner of the first page of each document you receive.

For instance, an FBI document might be



marked "64-23312-19."<sup>4</sup> This would indicate that it is the 19th document in the 23,312th file in a classification designated as 64.

This tells you that there are at least 18 other documents in that file, at least 23,311 other files in that classification, and at least 63 other related classifications.

If the numbers show that there are a certain number of documents in a file, and you received less than that number, it means that documents have been withheld from you, in which case an appeal should be made.

3. Look at the routing of the documents. Other agencies and officials included on the

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<sup>4</sup> This particular number was on an FBI document in the bureau's file on Ernest Hemingway, released to FREEDOM Magazine in 1983. A total of 120 pages were released to FREEDOM in that file. Seven pages were withheld.

routing provide you with clues as to where to send additional FOIA requests.

4. Likewise, look at any notations at the bottom of the documents, like "cc: Dept. of State" or any similar indication of where copies of the document may have been sent. Some agencies publish glossaries that help you determine what some of these notations mean. These notations also give valuable information as to where to file your next FOIA requests.

5. Lastly, the text of the documents themselves may include references to other documents, files, investigations, and so

forth. By examining your documents carefully, you may be able to make a list of other documents, not released to you, which are likely to be in government files. In this way, you can cross-check the agency's statement of how many documents it has withheld, and file additional requests for documents with the same or other agencies.

Remember, if you have a partially released document, and you feel you should see more of the document, you may have better success requesting the document from other agencies to which it was sent.

# Appeal Procedure

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► *This chapter will help you decide how and when to appeal a negative decision from an agency.*

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**U**nless you received all of the information you feel you deserve, you should consider an appeal. It costs nothing, and is often fruitful. Most agencies require your appeal to be filed within 30 days of receipt of the response letter from the agency. The time for an appeal should be included by the agency in its initial denial letter. It is also covered in the agency's regulations, which can be obtained either by writing or phoning the agency.

Before you file an appeal, you should call the office where you made your request and/or call that agency's FOIA office or Public Affairs office. In these contacts, let the person you are dealing with know that you have not received all of the documents and/or information you expected to, and wish to remedy that.

If these actions do not result in full release of the documents you requested,

you should file an appeal.

An appeal should also be filed if you don't hear back at all. This sort of appeal should be filed if you hear nothing for two months from the date of your original request, and other efforts to obtain a response, such as mentioned above, have failed.

First, review the information you did get (if any). Review the agency's reasons for denying access to other information. If you feel the denial was improper, prepare your appeal letter.

You can do this by reviewing the exemption code and comparing it to what you have requested. Using common sense, judge whether or not this code is applicable. For example, if you asked for files maintained on yourself, "confidentiality" or "unwarranted invasion of privacy" would be nonsensical reasons for non-disclosure of information that is actually about you (as

opposed to information in your files that is about someone else).

The letter you receive from the agency, responding to your original request, should inform you where to mail your appeal. (Addresses for some agencies are included in the appendices on page 42 along with the mailing address for your appeal.) Your appeal letter should describe the reply letter you got from the agency and should have a

copy of it attached. You should also attach a copy of the original FOIA request you sent to the agency which was denied in full or in part.

Any information you can add that strengthens your case is of course helpful. But the law places the burden of making an argument on the government, not on you. A simple letter stating that you are appealing is sufficient ground to cause a review of your request by a higher official in the agency.

A sample letter is shown on page 27.



## Getting Help

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**I**f you receive no reply to your appeal letter within 20 working days, any of the following procedures may produce a response:

1. Call the office or official handling your appeal.
2. Call the agency's FOIA office or Public Affairs office.
3. Call the head of the agency.
4. Call or write to your senators or congressman.

If, after exhausting your appeal, you still don't receive the information you are entitled to, litigation is the next step.

## Litigation

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**I**f your appeal is partially or wholly denied, you may wish to take the matter to court. This may produce startling results. Litigation often produces significant additional disclosure of information.

The reason is not a "change of heart" by the agency, but a desire to avoid a precedent by which the agency would be forever

# ▶ Sample Appeal Letter

Today's Date

Name and address specified by agency

Re: Freedom of Information/Privacy Act Appeal

Dear Sir:

I enclose my original request to your agency under the Freedom of Information/Privacy Act.

I also enclose your agency's response, which has denied me [part/all] of the information I requested.

Pursuant to the provisions of the Freedom of Information Act, I hereby appeal that denial.

[Include here any data you wish to be reviewed by the agency in considering your appeal. If you have an attorney file the appeal for you, he may want to back up his reasoning with case law, citing precedents from FOIA cases.]

If upon appeal you decide that a continued denial of all or part of the information involved is in order, I would appreciate a detailed explanation of your reasons for withholding this material.

I would appreciate a response within the 20 working days prescribed by law.

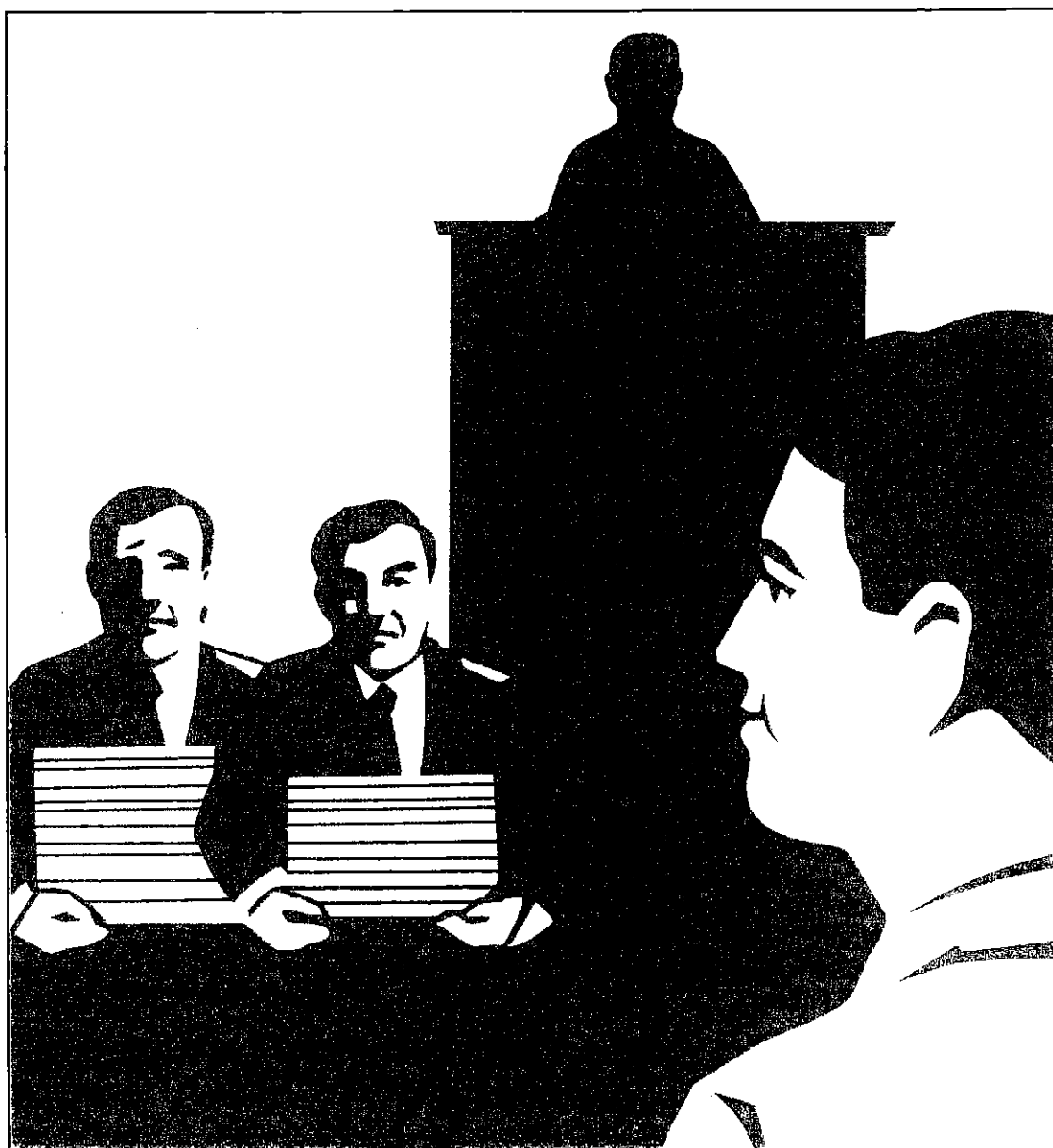
Sincerely,

Your name  
Address  
Daytime telephone number

bound. A lack of precedents means every citizen must fight each battle anew, without recourse to any positions gained by other citizens who have successfully fought the same battle previously.

In judicial review, as in all other phases

of implementing the FOIA, the burden is on the government to show why it should not release the material requested. The burden is not on you to prove your right to gain access. The FOIA is designed to make litigation as simple as possible.





# The Future of the FOIA

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**► In this chapter, reforms that are needed to make the FOIA a more effective expression of free government are examined.**

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**A**ll governments, given time, have tended to lose their sense of brotherhood with the people they govern. Our government in the United States is remarkable within the scope of recorded history in terms of how long it has attempted to maintain a sense of true representation of its citizens.

Nonetheless, secret files, secret wars, and secret operations all demonstrate a trend that is likely to get worse if citizens do not effectively demand reform. Exposing government corruption as in Watergate and in the Iran-Contra affair provided examples of our executive branch running amok, on its own, with no congressional approval or support. Attempts will no doubt continue to be made, in the name of "national security," "executive privilege," even "the public interest" to render ineffective the Freedom of Information Act, if this trend is allowed to go unopposed.

The fact is, the Freedom of Information Act needs to be stronger, not weaker.

Most scholars agree on some if not all of the following points of reform for the Freedom of Information Act:

**A. Oversight of Agency Compliance**

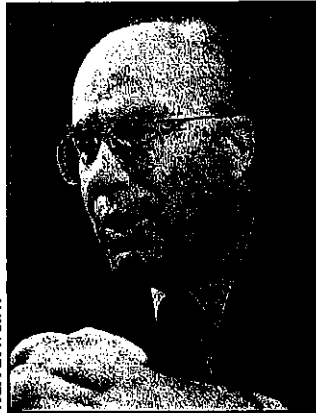
Congress has provided effective bipartisan oversight of the executive branch's administration of the FOIA through the Subcommittee on Technology and Law of the Committee on the Judiciary of the United States Senate and the Subcommittee on Government Information, Justice and Agriculture of the Committee on Government Operations of the House of Representatives.

Senator Patrick J. Leahy, chairman of the Subcommittee on Technology and Law, former Representative John E. Moss, and Representatives Glenn English and (Chairman) Robert E. Wise Jr. of the Subcommittee on Government Information



◀ *Representative  
John E. Moss, Ret.*

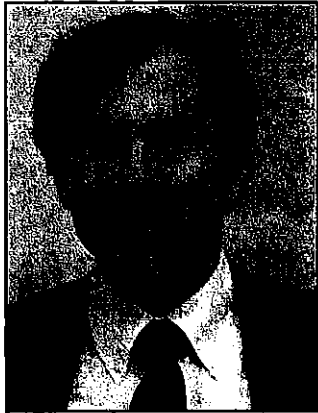
*Senator  
Patrick J. Leahy* ▶



TRIPPETT/SIPA

◀ *Representative  
Robert E. Wise Jr.*

SHEPARD SHERBELL/PICTURE GROUP



*Representative  
Glenn English* ▶



UPI/BETTMANN NEWSPHOTOS

◀ *Representative  
Gerald D. Kleczka*



have been leaders in ensuring the continued vitality of the FOIA's disclosure principles.

However, congressional oversight of executive branch implementation of the FOIA needs to be supplemented by executive branch oversight to ensure agency compliance with the law and to stop foot-dragging and excessive withholding within agencies.

The Department of Justice, however, has been hostile to a public-spirited administration of the FOIA. This has in part been because the Department of Justice, and agencies under its jurisdiction, have had much to conceal.

By means of the FOIA, for example, Professor Jon Wiener of the University of California, Irvine, received 26 pounds of documents from the FBI and the Immigration and Naturalization Service (INS) — both components of the Justice Department — on musician John Lennon. The documents revealed that both the FBI and the CIA gathered information about the ex-Beatle and that the FBI conducted surveillance of Lennon in the hope of assisting the INS in deporting him.

FOIA documents also revealed such actions as an FBI plot to smear actress Jean Seberg by spreading a rumor that she had become pregnant by a member of the Black Panther Party. An FBI special agent drafted the letter, got it approved by two senior FBI executives and by J. Edgar Hoover's office, and sent it to gossip columnists.

Seberg, reading the false rumor in a magazine, became so upset she went into premature labor and had a stillborn child. In her grief, she marked each ensuing anniversary of her baby's death by trying to kill herself. In 1979, the ninth year after the COINTELPRO lie surfaced, she succeeded.

Due to such abuses, executive branch oversight responsibility for the FOIA should be shifted from the Department of Justice to some other agency. At this writing, legislation currently submitted before

Congress proposes that the archivist<sup>1</sup> of the United States be granted the power to supervise executive branch compliance with the FOIA.

Transfer of the oversight function to an entity less hostile to the Act would result in improved administration, decreased delays in responses, and a reduction of arbitrary withholdings. This is a vital step toward strengthening the FOIA.

### B. Reduction of Exemptions

Numerous exemptions to the FOIA exist, or have been created, which are used to effectively shield agencies from public scrutiny.

In 1982, an Executive Order on National Security was issued by then-President Reagan. This Executive Order increased the ability of government agencies to withhold information under the "National Security" exemption. This Executive Order, among other things, permitted officials to re-classify documents during the FOIA review process in order to withhold those same documents from disclosure. The Executive Order further eliminated the need to consider the public's right to know when deciding whether to release information.

Quinlan J. Shea Jr., former director of the FOIA appeals office at the Department of Justice under the Ford and Carter presidencies, and briefly under President Reagan, has described the Executive Order and subsequent FOIA amendments as "a sell-out to secrecy freaks." He said, "Now there are essentially no limits on what they can classify. People who think secrecy is the answer are in charge. They simply don't want the American public to know what is going on."

A restated Executive Order, which takes into consideration the rights and privileges

<sup>1</sup> Archivist: One who is responsible for public papers and records, which papers and records are required by law to be filed in public places of deposit for preservation and use, or because of historical interest. The archivist is head of the National Archives.

of citizenship as well as the legitimate needs of government, is in order.

Legislation which corrects some of the earlier amendments to the FOIA is also in order.

Legislation has been introduced before Congress by Representative Gerald D. Kleczka and co-sponsored by Representative Robert E. Wise Jr., which provides significant improvements to the FOIA.

The following amendments, at minimum, need to be made:

1. Restore the need to consider the public interest when determining whether certain information may be released to the public.

2. Prohibit the withholding of documents to conceal violations of law, inefficiency or administrative error.

3. Prohibit re-classifying documents during FOIA review.

4. Reinstigate automatic schedules for information declassification,<sup>2</sup> including:

a. Automatic release of documents 30 years old unless very specific exemptions apply.

b. Automatic release of documents 50 years old unless very extraordinary circumstances apply.

5. Provide for penalties for agency delay and agency failure to comply with the FOIA.

The FOIA states that agencies have 10 working days to provide you with the requested documents. Most agencies ignore these provisions. Your request is acknowledged when convenient. Your documents

*"Secret files, secret wars, and secret operations all demonstrate a trend that is likely to get worse if citizens do not effectively demand reform."*

*"The fact is, the Freedom of Information Act needs to be stronger, not weaker."*

<sup>2</sup> Declassification: The act of removing or reducing the security classification of a government document.

are provided in months, in some cases years, after your request.

Currently, your only remedy after appeals have been exhausted is to sue the agency to demand that they meet the time requirements of the FOIA. Since the individuals administering the FOIA know that they will probably get around to processing your request before anything happens in court (and they are also aware of the costs and inconvenience to the citizen of bringing such an action before a court), their attitude is generally, "So, sue me."

Further, some individuals administering the FOIA excessively restrict the release of information to the public. Again, the attitude is "So, sue me."

The FOIA needs to include penalties against agencies for willful or egregious violations of its timetables. Further penalties are needed against individuals who deny the spirit and intention of the law through excessive withholding of information.

The legislation introduced by Reps. Kleczka and Wise contains such provisions, and with such enacted into law, real teeth could be added to the statement "OK, we sued you."

6. Ensure that the FOIA encompasses all electronic data in government files. Right now, there is a debate among agencies as to whether or not computerized data falls under the FOIA, since the FOIA was enacted prior to computerization of information.

As our society moves further into the electronic age, more and more files are being maintained electronically. In the future, new media for information retention may be developed. Such information must be subject to the FOIA.

7. Modify exemption (b)(7) which is currently employed to unduly restrict information if disclosure "could reasonably be expected to constitute an unwarranted invasion of personal privacy." This exemption is used to shield government employees'

names from public disclosure. Government employees, however, should not have an absolute right to privacy on the job. They hold a public trust. If they abuse it, they should risk disclosure.

8. Return law enforcement exemptions to their pre-amendment renditions.

FOIA amendments have served to render some law enforcement records as "not subject to the requirements" of the FOIA under certain circumstances. The result is that agencies do not even have to acknowledge the existence of such records in response to a request. Such an exclusion would serve to cover up such important previous disclosures as COINTELPRO. The public's right to know and oversee the operations of its law enforcement agencies must be balanced against legitimate law enforcement concerns of those agencies.

A good example of this is the July 1989 report published by the Senate Intelligence Committee regarding the FBI's investigation of the CISPES group, which the Senate found to be "politically motivated." The FBI's "investigation" of this group gathered information on 2,375 law-abiding citizens and 1,330 groups engaged in domestic political activities that should not have come under governmental scrutiny at all, the Senate panel found. This is the kind of abuse that government agencies practice, if not kept under tight controls.

9. Generally, return to more stringent criteria for classifying documents, instead of broad, all-encompassing exemptions.

#### **C. Confidentiality of IRS Records**

The IRS has used Section 6103 of the Internal Revenue Code to shield itself from disclosing records. This section permits the protection of individual tax return information (unless, of course, you are requesting this information on yourself).

The IRS has argued that all it does is collect taxes and that nearly everything in its files relates to the collection of taxes, and is therefore "taxpayer information" and

confidential.

As hearings in the 1970s by the Senate Select Committee on Governmental Operations, chaired by Senator Frank Church, have shown, this is simply not true. The IRS can create intelligence documents on individuals which have nothing to do with enforcement of tax laws, e.g., surveillance reports, memorandums regarding a person's history and connections, and monitoring of groups' First Amendment-protected activities.

A more sensible approach to confidentiality needs to be developed. The effect of the misuse of Section 6103 is to shield the tax agency from all public scrutiny. Individuals' rights to privacy must be protected, but the IRS must not be able to shield all of its activities from the public. Such secrecy inevitably leads to abuse. Instead, the IRS should be required to separate out information identifying other taxpayers from documents so that public oversight of the tax agency can occur without infringing on individual privacy interests.

## What Can I Do?

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**W**rite to your senators and the congressman from your district. Write to the president of the United States. Make your views known. Support a strong Freedom of Information Act.

You live in one of the few societies in history which permits open and unbridled communication concerning what you perceive to be right and wrong with your government.

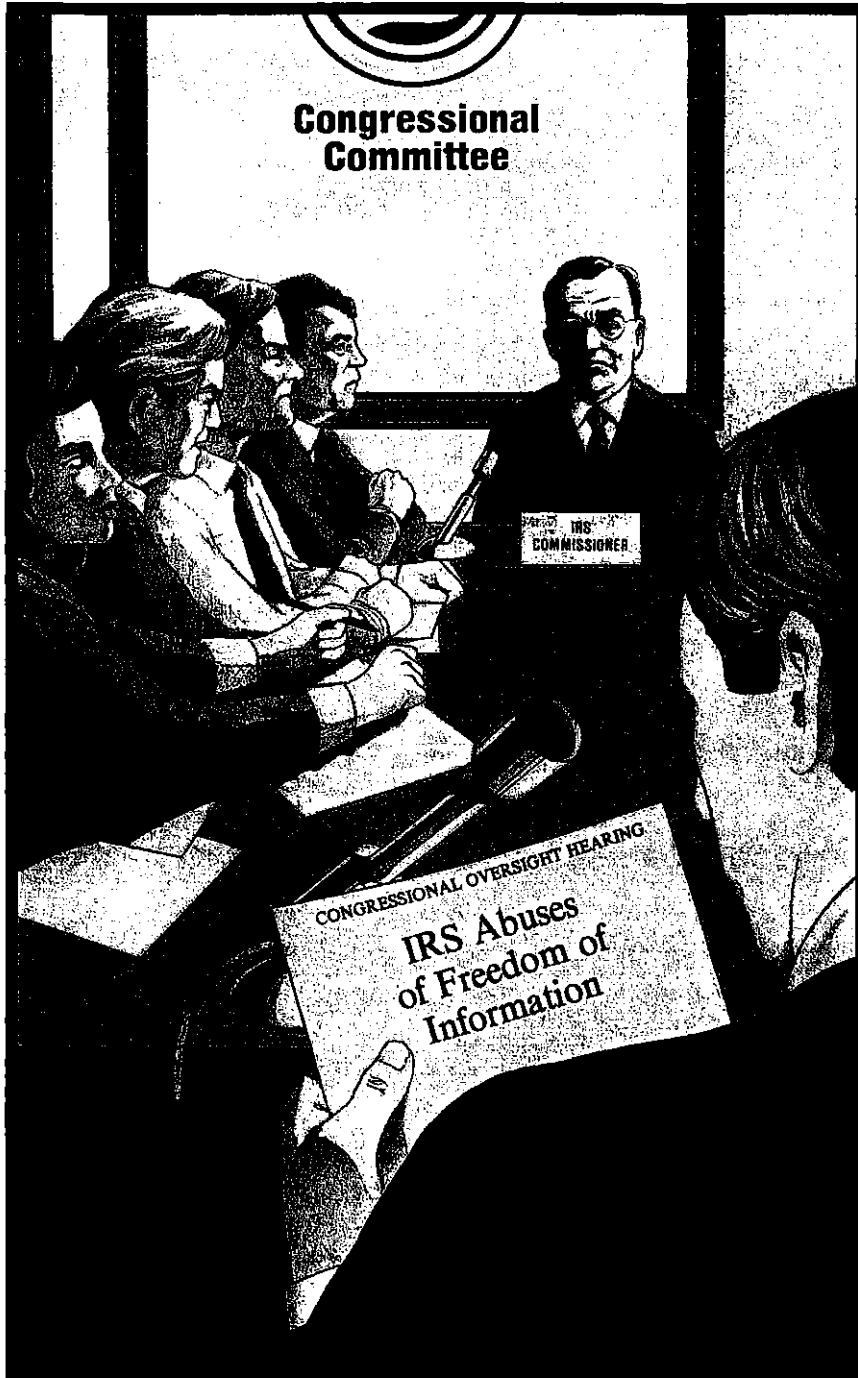
You have the freedom, under the Freedom of Information Act, to force the disclosure of information about matters affecting public health and safety, to challenge political decisions, and to obtain information necessary to stop government waste and corruption.

Exercise this freedom.

It is what democracy is all about.

It is the principle upon which the Freedom of Information Act is founded.

**Congressional  
Committee**



# Appendices

# GLOSSARY OF TERMS

**Acronym:** A word formed from the first letters or syllables of other words. "SCUBA" is an acronym for "Self Contained Underwater Breathing Apparatus."

**Agency:** The term "agency" includes any executive or military department or office, government corporation or other establishment in the executive branch of the government.

**AKA:** "Also Known As." A name, such as "Bob," used instead of "Robert."

**Archivist:** One who is responsible for public papers and records, which papers and records are required by law to be filed in public places of deposit for preservation and use, or because of historical interest.

**CISPES:** An acronym for the Committee in Solidarity with the People of El Salvador, a U.S. political group which the FBI began investigating in June 1981. According to a July 14, 1989, report by the Senate Select Committee on Intelligence, "The Committee and the FBI Director reached the same basic conclusions: the FBI international terrorism investigation of CISPES was initiated primarily on the basis of allegations that should not have been considered credible."

**COINTELPRO:** Counterintelligence Program. An FBI program that involved the use of illegal surveillance and dirty tricks in the '60s and early '70s.

**Cold War:** A term used to describe the diplomatic, economic and intelligence conflict between Russia and the United States starting shortly after World War II.

**Consumer Groups:** Groups, such as the Consumers Union (which publishes *Consumers Digest*), which represent the interests of American purchasers of goods and services both from business and from the government.

**Declassification:** The act of removing or reducing the security classification of a government document.

**Democratic:** Of or like a government run by the people who live under it. In a democracy, the people rule either directly through meetings that all may attend, or indirectly through the election of certain representatives to attend to the business of running the government.

**Executive Order:** An order from the president of the

United States to executive departments and agencies, setting policy or establishing guidelines for the administration of these agencies.

**Interpol:** The International Criminal Police Organization, a private group headquartered in France, with 146 member nations.

**Library Awareness Program:** An FBI program wherein the bureau monitored the use of libraries by individuals in certain cities.

**McCarthyism:** The public investigation of Communist activities in the United States in the early 1950s, characterized by sensational public hearings, blacklists, and public scandal.

**National Security:** Of or pertaining to the safeguarding or protection of a nation against foreign attack.

**OSS:** Office of Strategic Services. Forerunner to the CIA, founded during World War II.

**Privacy Act:** This act provides safeguards for individuals against invasion of privacy by federal agencies and permits individuals to see most records pertaining to them maintained by the federal government.

**Regulatory Agency:** An agency that enforces specific sections of federal law (such as the Environmental Protection Agency), as opposed to one that enforces all federal laws broadly (such as the FBI).

**Scientology:** An applied religious philosophy developed by L. Ron Hubbard dealing with the study of knowledge. Through the application of its technology, Scientology brings about desirable changes in the conditions of life. (Taken from the Latin word *scio*, which means "knowing in the fullest sense of the word," and the Greek word *logos*, meaning "study of.")

**Statute:** An act of legislature, an administrative regulation, or any enactment, from whatever source, to which the government gives the force of law. As used in this handbook, it means a section of federal law as passed by Congress and signed into law by the president.

**Trade Secrets:** Information relative to an industrial process or the conduct of a business, known only to the owner and those of his employees in whom it is necessary to confide, and not available to the trade or the general public. The formula for Coca-Cola is an example of a trade secret.



# THE FOI ACT

## The Freedom of Information Act

Includes revisions of the 100th Congress,  
Second Session (1988)

### § 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public —

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying —

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public; unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an

agency against a party other than an agency only if —

(i) it has been indexed and either made available or published as provided by this paragraph;  
or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

(ii) Such agency regulations shall provide that —

(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section —

(I) if the costs of routine collection and processing of the fees are likely to equal or exceed the amount of the fee; or

(II) for any request described in clause (ii)(II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: *Provided*, That the court's review of the matter shall be limited to the record before the agency.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the

District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

[(D) Repealed in 1984.]

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall —

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request —

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are —

(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 pursuant to such Executive order;

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

(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 the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

(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;

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

(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 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 reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a 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 a record or information compiled by 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 law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(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

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

Any reasonable segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and —

(A) the investigation or proceeding involves a possible violation of criminal law; and

(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings,

the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(2) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(d) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(e) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include —

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(f) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(As amended Pub.L. 95-454, Title IX, § 906(a)(10), Oct. 13, 1978, 92 Stat. 1225; Pub.L. 98-620, Title IV, § 402(2), Nov. 8, 1984, 98 Stat. 3357; Pub.L. 99-570, Title I, §§ 1802, 1803, Oct. 27, 1986, 100 Stat. 3207-48, 3207-49.)

# ► Names and Mailing Addresses of Federal Government Agencies

Check your phone directory for addresses of local offices of federal government agencies in your city.

Address and Phone	Appeals Address and Phone	Address and Phone	Appeals Address and Phone
Bureau of Prisons 320 1st Street NW Washington, D.C. 20534 (202) 724-3198	Same Address and Phone	Department of Energy Freedom of Information Department 1000 Independence Ave. SW Washington, D.C. 20585 (202) 586-5955	Same Address and Phone
Central Intelligence Agency Information and Privacy Coordinator Washington, D.C. 20505 (703) 351-2083	Same Address and Phone	Department of Health and Human Services Freedom of Information Room 410B 200 Independence Ave. SW Washington, D.C. 20201 (202) 472-7453	Same Address and Phone
Civil Rights Commission Solicitors Office, Room 606 1121 Vermont Ave. NW Washington, D.C. 20425 (202) 376-8312	Same Address and Phone	Department of Housing and Urban Development Program Information Center Room 8141 451 7th Street SW Washington, D.C. 20410 (202) 755-6420	Department of Housing and Urban Development Assistant General Counsel Administrative Law Office of the General Counsel 451 7th Street SW Washington, D.C. 20410 (202) 755-6422
Civil Service Commission [See under new name: U.S. Office of Personnel Management]		Department of Justice Freedom of Information and Privacy Acts Referral Unit Room B-326 10th & Constitution Ave. NW Washington, D.C. 20530 (202) 633-2353	Department of Justice Office of Information and Privacy Room 7238, Main Building 10th & Constitution Ave. NW Washington, D.C. 20530 (202) 633-4251
Consumer Product Safety Commission Freedom of Information Office Room 512 Washington, D.C. 20207 (202) 492-6800	Chairman of Commission Consumer Product Safety Commission Washington, D.C. 20207 (202) 492-6800	Department of Labor Room N-2428 200 Constitution Ave. NW Washington, D.C. 20210 (202) 523-8818	Same Address and Phone
The Director Defense Intelligence Agency Washington, D.C. 20340-1001 (202) 697-8844	Same Address and Phone	Department of the Navy Chief of Naval Operations OP 09 B30 Room 5E521 Pentagon Washington, D.C. 20350 (202) 694-2817	Same Address and Phone
Department of Agriculture Office of Information Room 458A 14th & Independence Ave. SW Washington, D.C. 20250 (202) 447-7454	Department of Agriculture Office of the General Counsel Office of the Inspector General Room 8-E 14th & Independence Ave. SW Washington, D.C. 20250 (202) 447-6979	Department of State Information & Privacy Staff Room 1512 2201 C Street NW Washington, D.C. 20520 (202) 647-6070	Department of State Assistant General Counsel for Public Affairs 2201 C Street NW Washington, D.C. 20520 (202) 647-7636
Department of the Air Force Freedom of Information Manager Headquarters, USAF Washington, D.C. 20330 (202) 545-6700	Same Address and Phone	Department of the Treasury Freedom of Information Office Room 1054 Main Treasury Washington, D.C. 20220 (202) 566-2789	Department of the Treasury Freedom of Information Appeal Room 1054 Main Treasury Washington, D.C. 20220 (202) 566-2789
Department of the Army USAISC-P (ASQNS-OP-F) Room 1146 Hoffman Building 1 Alexandria, Virginia 22331-0301 (202) 325-6163	Same Address and Phone	Department of Veterans Affairs McPherson Square Building Room 950 810 Vermont Ave. NW Washington, D.C. 20420 (202) 233-4000	Department of Veterans Affairs Board of Veterans Appeals Freedom of Information Act Officer 811 Vermont Ave. NW Washington, D.C. 20420 (202) 233-3336
Department of Commerce Office of Information Policy and Management Division Room 6622 14th & Constitution Ave. NW Washington, D.C. 20230 (202) 377-4217	Department of Commerce Office of the General Counsel Room 5870 14th & Constitution Ave. NW Washington, D.C. 20230 (202) 377-1816		
Department of Defense Office of the Secretary of Defense Public Affairs Director for Freedom of Information and Security Review Room 2C757 Pentagon Washington, D.C. 20301 (202) 697-1160	Same Address and Phone		

Address and Phone	Appeals Address and Phone	Address and Phone	Appeals Address and Phone
Environmental Protection Agency Freedom of Information Office Room A 101 401 M Street SW Washington, D.C. 20460 (202) 382-4048	Same Address and Phone	National Security Council Director, FOI/ Mandatory Review Office 375 Old Executive Office Building 17th & Pennsylvania Ave. NW Washington, D.C. 20506 (202) 395-3103	National Security Council Executive Secretary Old Executive Office Building 17th & Pennsylvania Ave. NW Washington, D.C. 20506 (202) 395-3000
Equal Opportunity Employment Commission Headquarters Office of Legal Counsel Legal Services 1801 L Street NW Washington, D.C. 20507 (202) 663-4669	Chairman Equal Opportunity Employment Commission 1801 L Street NW Washington, D.C. 20507 (202) 633-4264	Nuclear Regulatory Commission Director, Division of Rules and Records Office of Administration Washington, D.C. 20555 (202) 492-8133	This depends on the denial; they will tell you where to appeal.
Federal Bureau of Investigation Chief, Freedom of Information and Privacy Act 10th & Pennsylvania Ave. NW Washington, D.C. 20535 (202) 324-5520	Department of Justice Office of Information and Privacy Room 7238 10th & Constitution Ave. NW Washington, D.C. 20530 (202) 633-3642	Securities and Exchange Commission Freedom of Information Act Officer 450 5th Street NW Washington, D.C. 20549 (202) 272-7443	Same Address and Phone
Federal Communications Commission Room 222 1919 M Street NW Washington, D.C. 20554 (202) 632-7000	Same Address and Phone	Selective Service Systems Records Division National Headquarters 1023 31st Street NW Washington, D.C. 20435 (202) 724-0828	Director Selective Service Systems National Headquarters 1023 31st Street NW Washington, D.C. 20435 (202) 724-0828
Federal Trade Commission Freedom of Information Request Deputy Executive Director's Office Room 692 6th & Pennsylvania Ave. NW Washington, D.C. 20580 (202) 326-2418	Freedom of Information Appeal Office of General Counsel Federal Trade Commission 6th & Pennsylvania Ave. NW Washington, D.C. 20580 (202) 326-2481	Small Business Administration Freedom of Information Office Professional Building, Room 300 1441 L Street NW Washington, D.C. 20416 (202) 653-6460	Same Address and Phone
Food and Drug Administration Freedom of Information Office Room 12 A-16 5600 Fishers Lane Rockville, Maryland 20857 (301) 443-6310	Assistant Secretary for Health Dept. of Health and Human Services 200 Independence Ave. SW Washington, D.C. 20201 (301) 443-5252	U.S. Customs Service Chief, Disclosure Law Branch 1301 Constitution Ave. NW Washington, D.C. 20229 (202) 566-5170	Same Address and Phone
Internal Revenue Service Public Service Branch Director of Disclosure and Security Division P.O. Box 388 c/o Ben Franklin Station Washington, D.C. 20044 (202) 566-3359	Chief Counsel Internal Revenue Service 1111 Constitution Ave. NW Washington, D.C. 20224 (202) 566-3770	U.S. Marine Corps Commandant of the Marine Corps Headquarters, Marine Corps Washington, D.C. 20380 (202) 694-2500	Same Address and Phone
National Aeronautics and Space Administration Freedom of Information Officer Code L 400 Maryland Ave. SW Washington, D.C. 20546 (202) 453-1000	Same Address and Phone	U.S. Office of Personnel Management [Specify the Branch you need] 1900 E Street NW Washington, D.C. 20415 (202) 632-9594	Same Address and Phone
National Labor Relations Board Freedom of Information Officer 1717 Pennsylvania Ave. NW Washington, D.C. 20570 (202) 254-9350	Same Address and Phone	U.S. Postal Service Records Office 475 L'Enfant Plaza SW Washington, D.C. 20260 (202) 268-2000	Same Address and Phone
National Security Agency Freedom of Information Officer Central Security Service ATTN: Q-43 9800 Savage Road Fort George G. Meade Maryland 20755-6000 (301) 688-6311	Same Address and Phone	U.S. Secret Service Attention: FOIA/Privacy Office Room 720 1800 G Street NW Washington, D.C. 20223 (202) 535-5838	Same Address and Phone
		Veterans Administration [See under new name: Department of Veterans Affairs]	

## ► Suggested Further Reading

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# ► Freedom of Information Act Groups

## International Freedom of Information Institute

633 Bay Street  
Suite 2207  
Toronto, Ontario  
Canada M5G 2G4  
(416) 593-7352

## People for the American Way

2000 M Street NW  
Suite 400  
Washington, D.C. 20036  
(202) 467-4999

## Center for National Security Studies

ACLU Foundation  
122 Maryland Avenue NE  
Washington, D.C. 20002  
(202) 544-1681

## Coalition for Citizens' Information

607 Azure Hills Drive  
Simi Valley, California 93065  
(805) 584-6564

## National Security Archive

1755 Massachusetts Avenue NW  
Suite 500  
Washington, D.C. 20036  
(202) 797-0882

## Coalition on Government Information c/o American Library Association

Washington Office  
110 Maryland Avenue NE  
Suite 101  
Washington, D.C. 20002  
(202) 547-4440

## Freedom of Information Clearinghouse

P.O. Box 19367  
Washington, D.C. 20036  
(202) 785-3704

## Fund for Open Information and Accountability Inc.

239 Waverly Place  
New York, New York 10014  
(212) 989-3019

## FOI Foundation of Texas

400 South Record  
6th Floor  
Dallas, Texas 75202  
(214) 977-6651

## National Center for Freedom of Information Studies

Loyola University of Chicago  
820 North Michigan Avenue  
Chicago, Illinois 60611  
(312) 670-3116

## National Commission on Law Enforcement and Social Justice

400 C Street NE  
Washington, D.C. 20002  
(202) 546-5345

## Further Sources of Information About the FOIA

### Subcommittee on Technology and Law Committee on the Judiciary

U.S. Senate  
Dirksen Office Building  
Washington, D.C. 20510

### Subcommittee on Government Information, Justice and Agriculture

Committee on Government Operations  
U.S. House of Representatives  
Rayburn House Office Building  
Washington, D.C. 20515

### Access Reports (a bi-weekly newsletter)

417 Elmwood Avenue  
Lynchburg, Virginia 24503  
(804) 845-5727

### Privacy Journal

P.O. Box 28577  
Providence, Rhode Island 02908  
(202) 547-2865

### The Reporters Committee for Freedom of the Press<sup>1</sup>

1735 Eye Street NW  
Suite 504  
Washington, D.C. 20006  
(202) 466-6313

### Freedom of Information Guide

Chicago Lawyer  
Room 1416  
343 S. Dearborn  
Chicago, Illinois 60604

### FREEDOM Magazine

c/o Church of Scientology  
6331 Hollywood Boulevard  
Suite 1200  
Los Angeles, California 90028  
(213) 960-3500

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<sup>1</sup> This is a source for reporters  
and other professional journalists.

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## Sources of Low Cost or Free Legal Advice Regarding the FOIA

### Freedom of Information Clearinghouse

P.O. Box 19367  
Washington, D.C. 20036  
(202) 785-3704

### American Civil Liberties Union

122 Maryland Avenue NE  
Washington, D.C. 20002  
(202) 544-1681

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