

# Judge Says Air Force Ignored Records Law

**AP** Associated Press

(04/20/06 - WASHINGTON, DC) - The U.S. Air Force engaged in a pattern of ignoring requests for the release of classified documents dating to the Vietnam War, establishing a response rate that is worse than the CIA's, a federal judge has ruled.

U.S. District Judge Rosemary M. Collyer ruled Wednesday in favor of the Washington-based National Security Archive, the largest non-governmental library of declassified documents, in significant parts of a lawsuit the group filed against the Air Force in 2005.

Collyer found that the Air Force had no defense -- or essentially conceded -- that it had failed to respond to requests under the Freedom of Information Act for up to 18 years in at least one case. The Air Force also ignored appeals of its denials of access to records for up to nine years, she said.

But the judge refused to order the Air Force to immediately turn over records pertaining to 82 pending requests by the National Security Archive, a nonprofit group affiliated with George Washington University. Instead, she ordered the Air Force to determine which portions of the documents could be declassified and released to the archive.

She also ordered the service to send an officer to a court hearing on May 22 who has authority "to order that things be done."

Attorney David P. Dean, who represents the archive, said Collyer's message is clear: "The time for the Air Force to comply with FOIA has finally arrived, and this court is watching."

In a 12-page opinion, Collyer chastised the Air Force for its "dismal record" in responding to requests by the archive, whose collection of documents is used by historians, academics and other researchers interested in national security.

The Air Force had argued that the past should be forgotten and that it should get credit for devising a new Web-based system for tracking FOIA requests.

But Collyer was skeptical of the plan because it is unfunded. "Since the Air Force only woke up in May 2005 to its need to fulfill its FOIA obligations on a more timely basis, it has not had time to demonstrate the success or failure of its new attention to FOIA," she wrote.

Collyer said she is concerned the new program will be troubled because it is decentralized, with no one person in charge.

"It is too little, too late," the judge said.

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