

Declassification Review and Processing of ONI Assassination Records

Postponements Under the JFK Act

Whenever an agency wishes, in the terms of the JFK Act, to “postpone” (*i.e.*, redact) information, it must submit those proposed postponements to the Review Board, which then makes “formal determinations” on the release of the information. If an agency disagrees with a decision of the Review Board, its sole recourse under the JFK Act is to appeal the Review Board’s decision to the President.¹

Whenever an agency wishes to postpone information from a record before the record is released to the public, the agency must identify with specificity the information to be postponed, identify the specific provision of Section 6 of the JFK Act that permits the postponement, and provide “clear and convincing” evidence to the Review Board as to why the information should be postponed. (*See* Section 6 of the JFK Act, attached.) By way of example, the FBI, which seeks to postpone information that might identify informants, provides evidence to the Review Board that discloses whether the informant is still alive, whether the informant risks incurring harm if his name is released, and provides other evidence that might be useful to the Review Board when evaluating the proposed postponements. The Review Board takes very seriously its statutory obligation to sustain proposed postponements “*only in the rarest of cases* [where there is a] *legitimate need for continued protection of such records.*” *See* Section 2(a)(7) (emphasis added). Under this statutory standard, which presumes the release of the information except in the “rarest of cases,” agencies have tended to postpone very little information and then only when they are able to provide evidence supporting the proposed postponements.²

ONI Document Declassification Review and Transmission Procedure

The following steps should be taken by ONI to review records that it does not desire to release in full in accordance with JFK Act requirements:

-ONI should make a photocopy of the original record, conduct declassification review in

¹Thus far, only one agency, the FBI, has made an appeal to the President. After a full briefing of the issues by the FBI and the Review Board, the FBI withdrew *all* of its appeals. As a result, every formal determination made by the Review Board has been followed and every record has been made available to the public in accordance with the Board’s decisions.

²The Review Board does, however, routinely sustain postponements of Social Security numbers. No evidence need be provided for such postponements.

accordance with Section 6 of the JFK Act, and **mark the proposed postponements either by highlighting them, or by clearly bracketing them.**

-**ONI must create a Record Identification Form (RIF) for each document** it reviews, using the DOS software and numbering disks created at NARA and previously provided by the ARRB.

-ONI should forward to the Review Board (with RIFs attached), upon completion of its declassification review, all such photocopies, with postponements identified by brackets or highlighting, **reason codes** (from Section 6 of the JFK Act) **assigned to each postponement in the margin** that identify which section of the JFK Act justifies postponement, **and with all supporting evidence for each postponement.** [Along with the highlighted or bracketed review copy of each document, either the original, or a pristine (*i.e.*, unredacted) photocopy, must also be transmitted to the Review Board, with a separate copy of that document's unique RIF attached.]

-Once the Review Board staff reviews ONI's proposed postponements, the staff will notify the Review Board as to whether it concurs with your postponements or not. The Review Board will then evaluate ONI's proposed postponements, in light of ARRB staff recommendations, and the evidence provided by ONI (and any referral agencies) in support of those desired postponements.

-The Review Board will make **formal determinations** regarding postponements recommended by ONI. ONI will then be promptly notified of the Board's decisions, and the Board will explain subsequent procedures. If there are no postponements in a document RIFed by ONI, or if ONI recommends postponements that are not upheld by the Board (and ONI chooses not to appeal to the President), those documents will be immediately transmitted to the JFK Collection at the Archives by the ARRB, and released to the public. Whenever records contain postponements following formal determinations by the Review Board, both the unredacted version (original or pristine photocopy) and the redacted version are forwarded to the Archives by the ARRB, and initially only the redacted version is released to the public via the JFK Collection.