

Section 6(4) of the JFK Act:

Disclosure of assassination records or particular information in assassination records to the public may be postponed subject to the limitations of this Act if there is *clear and convincing evidence* that . . . the public disclosure of the assassination record would

- [1] compromise the existence of an understanding of confidentiality
- [2] currently requiring protection between a Government agent and a cooperating individual or foreign government, and
- [3] public disclosure would be so harmful that it outweighs the public interest.

[Italics and enumeration added.]

## Bureau

Asking for two things:

- sustaining some postponements
- promulgating regulations

Better presentation

- confidential relationship
- informants (and families) do not want names released
- significant burden

Basic problems

- much of the work that they did was unnecessary and perhaps irrelevant
  - Board had not questioned understanding of confidentiality
- didn't show mosaic
- didn't show harm
- Bureau still wants the protection to be blanket and cover all informants (even though they abandoned it in one case)

[1] Board has been presuming 1 -- but the Bureau decided to prove it anyway

[2]

Options the Board could adopt:

1. for understanding of confidentiality:

- (a) burden satisfied whenever there is a symbol number, statement of confidentiality in document, that [1] is satisfied

2. currently requiring protection

- (a) burden satisfied if informant is still living

3. harm of disclosure outweighing public interest

harm

- (a) burden satisfied if informant still living
- (b) burden satisfied if objective evidence of harm is shown

public interest

- (a) "public interest" could be sliding scale depending on the significance of the document
- (b) "public interest" could apply uniformly to all documents