

M E M O R A N D U M

To: David Marwell
From: Jeremy Gunn
cc: Sheryl Walter
Phil Golrick
Date: February 27, 1995
Re: Draft Categories of Informant Issues

*Informant and Confidentiality Restrictions
Under Sections 6(2) and 6(4) of the JFK Act*

Based upon my review of the FBI's Ruby files, I have identified the following types of informant/confidentiality issues as likely to arise during the review process. Most of the FBI's postponements in the Ruby files are based upon these two restrictions.

Current status of informant

(Only "living" informants protected under the Section 6(2))

Living

Dead

Unknown

Risk of harm to informant (or associates of informant, e.g., family)

(Only "substantial risk of harm" to informant is cognizable under Section 6(2))

Likelihood of harm resulting from release

Living in hostile country

Living in criminal milieu

In witness protection program

Types of harm resulting from release

Embarrassment

Public disapproval

Economic loss

Physical injury

Death

Unknown

Risk of harm to national security/public safety if informant is identified

(Not cognizable under Section 6(2))

"Chilling effect" of release of informants' identification

Exposure of ongoing investigations/operations

Public interest in information identifying informant

(Not a relevant factor under Section 6(2))

Informant is an important figure in the assassination

Informant has information about the assassination and the bona fides of the

informant is important

Informant has information explaining government operations

Etc.

Type of informant

(Not a relevant factor under Section 6(2))

Criminal informant

Potential criminal informant

Security informants (SI's/assets) (double agents; defectors; recruitments in place

Potential security informant

Cooperating witness

Promises of confidentiality

(Under Section 6(4), there must be an "understanding of confidentiality" and the harm of release must outweigh public interest)

Express

Implied

Written

No promise

Unknown

Information given after Privacy Act of 1974 becomes law

Types of identifying information the record would reveal about informant

Type of information (*i.e.*, whether the type of information revealed effectively

discloses the identity of the informant)

Real name

Cryptonym or code name

Symbol number

Number used in specific report (*e.g.*, NO-3).

Location

general (*e.g.*, city)

specific (*e.g.*, address)

Occupation

general (*e.g.*, businessman)

specific (*e.g.*, owner of Silver Slipper nightclub)

Social Security Number

Telephone number

Acquaintances

Dates or places of contact

Information previously revealed about informant

Same categories as above

Type/quality of information provided by informant

Positive or negative

Information about subject who is now dead

Reliable/unreliable

Length of time since informant acted as informant

(Not a relevant factor under Section 6(2))

Long

Medium

Short