

CIA ISSUES

6(1)(a)

CIA Officers

Officers who are still active or who retired under cover in potentially risky circumstances were generally protected. Names of officers who were deceased or whose connection to the CIA was public knowledge were generally released throughout the collection.

In general, "CIA Employee" was used as substitute language, though when available, useful and appropriate an alias or pseudonym was substituted.

[Comment, Explanation]... The Review Board reviewed the names of CIA officers on a case by case basis when the individuals were seen as having high public interest as part of the story of the Assassination of President Kennedy. High public interest was determined by a substantive connection to the assassination story or by the appearance of the name in CIA's core assassination files, notably Oswald's 201 file. The Board demanded specific evidence of the need to protect the individual. This evidence included the current status and location of the individual and the nature of the work he or she did for the Agency. ...**[Comment, Explanation]**

Scelso

The true name of the individual known by the pseudonym of John Scelso was protected but will be opened in full on either May 1, 2001 or three months after the decease of the individual, whichever comes first.

Substitute language was "Scelso."

[Comment, Explanation]

Pseudonyms

Pseudonyms were released with only a few exceptions. In some instances pseudonyms were used as substitute language for the individual's true name.

In the rare cases of postponement, "pseudonym" was used as substitute language.

[Comment, Explanation]

Identifying Information

Identifying information was approached using the same standards applied to true names. If it was determined that the identity of the officer required protection, specific identifying information was protected, however generic information may have been released.

Substitute language: "Identifying Information"

[Comment, Explanation]

6(1)(b)

Sources, Assets, Informants, Identifying information

Sources, Assets, Informants and the Identifying information that describes them were reviewed under standards similar to those for CIA officers. Names that carry a high level of public interest were subjected to close scrutiny. The Board protected the identity of foreign nationals if the activity in which they were engaged could be interpreted as treason by their home country. Sources, assets and informants in this country were protected if CIA could demonstrate that ongoing operations could be harmed by release of the individual's name. If none of these criteria could be met the name of the individual was released. In addition, names of individuals whose connection to the CIA was a matter of public knowledge, especially if previously released in US government records, were released.

Substitute language: "Source," "Asset," "Informant," "Identifying Information" as appropriate.

[Comment, Explanation]

Crypts

Crypts or parts of them are generally releasable. All US government crypts are released. "LI" crypts, especially those in the core files, are generally releasable. "AM" crypts are generally releasable. For all other crypts, the digraph is generally protected and the rest of the crypt is released. A few exceptions to these guidelines exist. Sensitive crypts for which CIA has provided convincing evidence are protected in full; For AM and LI crypts in non-core files, the digraph may be protected when (a) the crypt appears next to a true name that has been released; (b) when the crypt appears next to specific identifying information; © when convincing evidence has been provided of the need to protect.

Substitute language: "Crypt," "Digraph."

[Comment, Explanation]

Slugline

The slugline is releasable according to the same criteria for protection applied to crypts and digraphs.

Substitute language: "Crypt," "Digraph."
[Comment, Explanation]

Surveillance Methods

CIA surveillance methods, the details of their implementation and the product produced by them are generally releasable except when convincing evidence has been provided that they are politically or operationally sensitive.

Substitute language: "Surveillance Method," "Operational Details," " Sensitive Operation."

[Comment, Explanation]

CIA Installations

All CIA installations related to the Mexico City story are releasable from 1960 through 1969. With the exception of a few installations for which CIA has provided convincing evidence of sensitivity, all remaining installations from the date of the Assassination to the publication of the Warren Commission Report are releasable in the context of the Assassination story. In Oswald's 201 file, again with the exception of a few installations for which CIA has providing convincing evidence of sensitivity, all installations are releasable from 01/01/61 through 10/01/64. Outside of these time frames, CIA installations are protected.

The language substituted for these postponements will allow researchers to track individual CIA installations through the JFK collection without revealing the exact location of the installation. To accomplish this, the world is divided into five regions: Western Hemisphere, Western Europe, Northern Europe, East Asia/ Pacific, and Africa/ Near East/ South Asia. Then a number is added to each different location in the region. Thus, substitute language such as "CIA Installation in Western Hemisphere 1" serves as a place holder for a particular installation in all CIA related records in the collection.

[Comment, Explanation]

Prefixes (Cable, Dispatch, Field Report)

Cable Prefixes, Dispatch Prefixes and Field Report Prefixes were released when the installations to which they refer were released and protected when the installation to which they refer were released.

Substitute language for cable prefixes parallels that utilized for CIA installations, for example: "Cable Prefix for CIA Installation in Western Hemisphere 1." Language for the other prefixes was "Dispatch Prefix" and "Field Report Prefix."

[Comment, Explanation]

CIA Job Titles

CIA Job Titles were released except when their disclosure might reveal the existence of an installation that is protected.

Substitute language: "CIA Job Title."

[Comment, Explanation]

File Numbers

All Mexico City file numbers, except those that CIA has provided convincing evidence of their sensitivity, are releasable. All remaining country identifiers (the first segment before the hyphen) are protected with the exception of all "15" and "19" files. 201 file numbers are in many cases releasable.

Substitute language: "File Number."

[Comment, Explanation]

Domestic Facilities

References to domestic CIA facilities which are a matter of official public record are released. Domestic facilities that not publicly acknowledged may be protected if CIA has provided evidence of their sensitivity or if they are of peripheral interest to the Assassination story.

[Comment, Explanation]

Official Cover

In Congressional documents, cover information is released unless the information explains details of the scope of official cover or important details about the mechanisms of official cover that are not generally known to the public. Information shall not be released if the Executive Branch shall be able to demonstrate that it has taken affirmative action to prevent the disclosure of such information in the past and that release here would cause identifiable damage to national security. In Executive Branch documents and in documents derived from Executive Branch documents, substitute language such as “official cover” or “details of official cover” is used in lieu of the actual cover or the details of official cover. The cover status of certain high-profile individuals will be released when disclosure has previously been permitted by affirmative official acts of the Executive Branch of the US government. Cover status of other individuals will be disclosed only to the extent that they are important to the assassination story and they will be handled on a case-by-case basis.

Substitute language: “Official Cover,” “Details of Official Cover,” “Location.”

[Comment, Explanation]

FBI POSTPONEMENTS

Section 6 Grounds for Postponement of Public Disclosure of Records

Introductory Clause

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 --

Definitions

Board's Definition of "Assassination Record"

overarching definition

FBI assassination record categories

core and related files

identified by FBI; FBI began processing before
Review Board came into existence

records identified in response to ARRB requests for addl info

identified by Review Board; FBI processed at our
request

(see Chapter 6 for more detailed discussion of how
these decisions were made)

HSCA subjects

identified by FBI; FBI began processing before
Review Board came into existence

other Congressional Committees

most identified by FBI and FBI began processing
before Review Board came into existence

CIA assassination record categories

NSA assassination record categories

records or particular information in records

Board reluctant to accept postponement of entire records

clear and convincing evidence

specific evidence

(at beginning, agencies presented broad-brush arguments -- provide examples of FBI position papers -- Review Board interpreted "clear and convincing" to mean "specific" evidence tailored to justify a particular postponement and not broad arguments tailored to cover a broad range of postponements)

mosiac theory

Section 6(1)

Section 6(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public disclosure of the assassination record is of such gravity that it outweighs the public interest, and such public disclosure would reveal --

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government and which has not been officially disclosed, the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

Definitions

6(1)(A)

defn of "intelligence agent"
defn of "identity currently requires protection"

6(1)(B)

defn of "intelligence source or method"
defn of "currently utilized, or reasonably expected to be utilized"
defn of "which has not been officially disclosed"

6(1)(C)

defn of "currently relating to the intelligence operations"
defn of "currently relating to the conduct of foreign relations of the U.S."

FBI Issues

Overarching Issues

effect of high public interest

reject claims of conceivable or speculative harm to national security

FCI Postponements

FCI Activities Against Communist Bloc Countries

The Review Board believes that most aspects of the FBI's foreign counterintelligence activities against Communist Bloc countries during the cold war are well-known the public, are of high public interest, and are not eligible for postponement pursuant to § 6(1) of the JFK Act.

Specific Issues

Classified Symbol Numbers for Technical Sources (ELSUR): The Review Board agrees to postpone classified symbol numbers for technical symbol sources until the year 2017.

Information about Technical Sources: The Review Board releases general information regarding technical sources on Communist Bloc countries' diplomatic establishments and personnel. "General information" is defined as information received from technical sources on Communist Bloc countries' diplomatic establishments and personnel, including transcripts. In some cases, the Review Board sustains postponements of any specific technical information regarding installation, equipment, location, transmittal, and routing of technical sources.

Human Sources in Foreign Counterintelligence (Assets): The Review Board evaluates the need to postpone the identity of human sources in foreign counterintelligence operations on a case by case basis. The Review Board considers the following factors in evaluating whether to postpone or release the identity of a particular asset:

- *
- *
- *

Other Classified File Numbers: As a general rule, the Review Board releases classified file numbers to the extent that they reveal information about foreign counterintelligence activities against Communist Bloc countries. The Review Board has voted to protect classified file numbers where the FBI has provided particularly compelling evidence in support of its request for postponement. The primary factor that the Review Board considers in deciding to postpone a particular classified file number is whether the FBI can show that it has a current and ongoing need to protect the number.

Information that Reveals an Investigative Interest in a Communist Bloc Diplomatic Establishment or Personnel: The Review Board releases information that reveals that the FBI has an investigative interest in a Communist Bloc countries' diplomatic establishments or personnel. For example, the Review Board routinely releases case

captions such as “FCI-R” (foreign counterintelligence-Russia), “FCI-Cuba,” “FCI-Czechoslovakia,” and “FCI-Poland.” In addition, the Review Board releases information that reveals

(B) example -- checking of the Diplomatic List or other publicly available sources

(f) **misc.**

- (i) almost everything on Solo
- (ii) code names Sam Survey, Viaduct, Tumbleweed

With regard to the FBI’s Segregated Collections, the Review Board stated,

It is presumed that the FBI will, at least partially, carry over its post-appeal standards for disclosing FCI activities targeting Communist-bloc nations. To the extent that the HSCA subjects reflect “FCI” activities against other nations that have not been addressed by the Review Board in the “core” files, the FBI will be allowed to redact direct discussion of such activities, unless the information in the proposed redaction meaningfully contributes to the understanding of the assassination.

Counterintelligence Against Other Countries

- (1) General Rule: the FBI may redact direct discussion of FCI activities against countries not previously considered by the Review Board, but only if the information in the proposed redaction does not meaningfully contribute to the understanding of the assassination.
 - (a) all postponed material in records that are closely related to the assassination will be submitted to the Review Board
 - (b) the following standards apply ONLY to material that does not meaningfully contribute to the understanding of the assassination
- (2) Specific Issues
 - (a) **classified symbol numbers for technical sources (ELSUR)**
 - (i) postpone entire symbol number until

- 2017
- (ii) substitute language “source symbol number”
- (b) **information about technical sources**
- (i) release as much information as possible (paying particular attention to releasing the substance of a document), but protect the country that is the target of the FBI’s surveillance UNLESS the tech. is of heightened public interest
 - (ii) again, may refer to Engineering Section any specific, technical information regarding installation, equipment, location, transmittal, routing of ELSUR
- (c) **human sources in foreign counterintelligence (assets)**
- (i) may be appropriate to postpone
 - (ii) evaluate on case by case basis as with domestic informants, but allow FBI more room to postpone; Carl will fill out “FCI Postponement Evidence Form” if it is a difficult issue
- (d) **other classified file numbers**
- (i) protect UNLESS the subject of the file is of heightened public interest
- (e) **information that reveals an investigative interest**
- (i) AS A GENERAL RULE, protect information that reveals only an investigative interest in foreign establishments or personnel UNLESS the

COVERT EXAMINATION OF FINANCIAL RECORDS AND BANK ACCOUNTS

“Z-COVERAGE”

CIA Issues

agent names

NSA Issues

agent names

Targeting Information

Times

Geographic Locations

Transmission Methods

Site Locations

Routing Indicators

Production Indicators

Dissemination Information

Unit Numbers and Locations

Foreign Government Information

Personal Privacy Issues

General Sources and Methods

Section 6(2)

the public disclosure of the assassination record would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person

FBI initially used 6(2) along with 6(4) to protect informant names and identifying information. Section 6(2) clearly requires that the Bureau prove that the informant is living and that the informant faces a substantial risk of harm if the information is released. Because section 6(2) requires such specific evidence, the FBI quickly realized that section 6(4) offered a better rubric for requesting that the Board postpone informant names and identities.

So, the FBI categorically has decided to rely on Section 6(4) for informant postponements, and not Section 6(2) -- even though most of the records, as originally processed by the FBI, refer to both subsections in support of informant postponements.

Despite the Bureau's position that it need not prove that informants were alive, the standards set forth by section 6(2) clearly did affect on the Board's decision making on informants. See the analysis of section 6(4) below.

Section 6(3)

the public disclosure of the assassination record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest

Definitions

“unwarranted invasion of personal privacy”

FBI Issues

General rule: Postpone only where the person affected is adequately shown to be still living and the intrusion on privacy would truly be substantial.

Routine Postponement: Social Security Numbers

core files -- one issue appealed

segregated collection -- effect of little-no public interest in the information (e.g. 13 year old rape victim's name in a “see” reference file)

CIA Issues

NSA Issues

Personal privacy issues

Section 6(4)

the public disclosure of the assassination record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest;

Definitions

understanding of confidentiality

cooperating individual

foreign government

FBI Issues

INFORMANTS

EFFECT of PRIOR RELEASES

Where a person's informant relationship with the FBI has already been made public, the Review Board did not vote to sustain postponements claimed to "conceal" such a relationship.

The Review Board staff made an effort to track the names and symbol numbers of FBI informants whose relationships with the FBI had already been made public. When Review Board staff members encountered informant names or symbol numbers that were eligible for postponement, staff members researched whether the name or symbol number had already been released.

If the name of an informant in a particular record had already been released in a context that *disclosed the informant relationship with the FBI*, then the staff recommended that the Review Board release the name.

If an informant symbol number in a particular record had already been released in a context where the same informant symbol number was providing the same information as in the record at issue, the staff recommended that the Review Board release the symbol number.

EFFECT of HIGH PUBLIC INTEREST

In some cases, the fact that a particular individual had an informant relationship with the FBI was sufficiently important to warrant recommending release under circumstances where the general rules would otherwise point toward sustaining

the postponement.

“PROTECT IDENTITY REQUESTED”

Where an individual provided information to the FBI and requested that the FBI protect his or her identity, *but the FBI provides no evidence of an ongoing confidential relationship with the individual*, the FBI will release the name of the individual unilaterally.

When the FBI first began to present evidence to the Review Board in defense of its attempts to protect its sources of information, it asked that the Review Board protect the identity of any individual who requested confidentiality when providing information to the Bureau. The Review Board rejected the FBI's argument and voted to release the names pursuant to Section 6(4) of the JFK Act,

Section 6(4) requires that the agency provide clear and convincing evidence that disclosure would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual. In these cases: (1) the Review Board does not consider these types of sources as sources with an “understanding of confidentiality currently requiring protection.” We know that FBI agents often offer confidentiality as a matter of course to people that they talk to, whether or not the individual requests or requires confidentiality (e.g. agents have come to our offices to do follow-up security checks on our co-workers and offered us confidentiality), (2) without evidence of an ongoing relationship, the Review Board does not consider these types of sources

Persons who gave the FBI information to which they had access by virtue of their employment

Initially, the FBI's policy was to protect “the identities of persons who gave the FBI information to which they had access by virtue of their employment,” regardless of whether “their providing the information . . . involve[d] a breach of trust,” provided that the person in question requested confidentiality. Moreover, the FBI implied that, even where a request for confidentiality is not explicit on the face of the document, the identities of such persons will be withheld in cases where their providing the information to the FBI involved a “breach of trust”: (e.g., a phone company employee who gives out an unlisted number.) The Review Board rejected the FBI's argument.

“Negative Contacts”

“Negative Contact” informants are those informants who were contacted, but who provided no information, regarding either the assassination or persons, groups, or events related to the assassination

“positive contacts”

names

symbol number informant

Prefixes and Suffixes: The Review Board has consistently released the prefixes and suffixes of informant symbol numbers, even in cases where it sustains the “numeric” part of the symbol number. Thus, for the hypothetical symbol number “NY 1234-C,” “NY” and “-C” would be released, even if the Review Board sustained postponement of the “1234.” After the Review Board’s action, researchers would know that the informant was run by the New York City field office and reported on criminal (rather than “security”) cases.

T-symbols: In no case has the Review Board postponed any part of a “T-symbol” in the core files -- indeed, to its credit, the FBI unilaterally released these “temporary symbols” under the JFK Act.

informant identifying information

specific textual informant identifying information

general textual informant identifying information

Foreign Liaison

Section 6(5)

the public disclosure of the assassination record would reveal a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or another Government agency responsible for protecting Government officials, and public disclosure would be so harmful that it outweighs the public interest.

III. Weighing of the Public Interest in Evaluating Agencies' Requests for Postponements Pursuant to Section 6

- A. Core and Related Files and Records Obtained as a Result of Requests for Additional Information
 - 1. all are considered to be of high public interest
 - 2. some records so significant that public interest outweighed otherwise valid grounds for postponement
 - a. examples
- B. Segregated Collections
 - 1. Relaxed Standards
- C. NBR Records

IV. JFK Act -- Section 10 -- Materials Under Seal of Court.

- A. Records Under Seal that are not Grand Jury records
 - 1. Title III records
- B. Grand Jury Material
 - 1. see ARRB guidelines for review of grand jury material

V. JFK Act -- Section 11

- A. Information protected by § 6103 of the Internal Revenue Code