

MEMORANDUM

September 20, 1995

Joan Zimmerman

Re: FBI arguments to protect informants

1. The FBI has not supplied to the Board the written agreements with informants.
2. The statute clearly states that if the informant is dead, there is no extension of protection. Period. The JFK statute clearly rejects the idea of indefinite protection.
3. The "understanding of confidentiality" is over-broad.
4. Congress thought 30 years is enough.
5. FBI 's focus on informants' wishes misses the point. The statute emphasizes historical significance.
6. The FBI seeks to inject itself (its expertise) in the decision to release information about informants. Essentially, the FBI is saying, "Trust us to release information when it's appropriate."
7. The FBI version of public interest is not the same as that articulated by Congress. The FBI has historically given up informants when it has been politically expedient to do so. The FBI coerces informants by threatening exposure if they refuse to testify when the FBI wishes them to do it.
8. The FBI expands the definition of privacy beyond what Congress intended, and this excursion past the boundary of privacy should be nipped. These informants at one time violated the privacy of others, and the information they provided to the FBI is coming out. Those who were being spied on did not anticipate a violation of their privacy and trust.
9. The FBI seeks indefinite protection--these names would never come out if the FBI has its way. The Congress clearly rejected this idea and limited the protection to 30 years. The FBI seeks to rewrite the statute to reinforce its own policies.
10. The FBI is not in a position to lecture the Board about making decisions in a vacuum, i.e. without any specific details about informants. The FBI failed to provide information about informants, and this latest letter still does not meet the standards set out in the statute.
11. The FBI seeks to establish embarrassment as a standard of harm. The statute requires a more strict

definition.

12. The FBI has agreed to release one informant, who is dead. That release--for timely reasons according to the FBI--undermines its claims for the other informants.