

MEMORANDUM

July 8, 1996

To: David Marwell, Jeremy Gunn, Phil Golrick

From: Joan Zimmerman

Subject: USSS Arguments Against Full Release of Dinneen Memos and Threat Sheets

I. Sequence of events

At its March 18-19, 1996 meeting, the Review Board voted to open the following documents in full: two memos by Eileen Dinneen (180-10087-10302 and 180-10103-10465) and 413 threats sheets (180-10065-10379) prepared by Dinneen for the House Select Committee.

The Secret Service responded to the Board's vote in a letter dated April 15, 1995. The Service argued that most of the individuals named on the threat sheets had no relation to the assassination; release would not enhance the historical record but would violate individual privacy and compromise a Secret Service protective technique. The Secret Service aggressively protects the confidentiality of its protective intelligence files and assures members of the mental health community that information provided about an individual will only be used to assess risk to the Service's protectees. The purpose of the PI files is specific, and releasing the name and information gathered about individuals would breach personal privacy.

At its April 16-17, 1996 meeting, the Review Board considered these arguments and decided to delay the release of the Dinneen memos and the threat sheets for 60 days in order to give the Secret Service more time to provide information. Specifically, the Board requested information on each individual named in the threat sheets that would respond to a § 6(3) postponement. The Board requested that the Service provide information about living-or-dead status as well as evidence of a specific invasion of privacy.

On the day of the Board's deadline, June 24, 1996, the Secret Service directly refused to provide the information requested by the Board and offered further elaboration of its original arguments. The Service argued that attempting to identify subjects named in the threat sheets would draw their unwanted attention to the Secret Service.

II. Secret Service Arguments and Qualifications

The Service's main points are as follows:

1. The Service is willing to release everything in these documents except the names of targets of investigation.
2. If the Board can show that certain targets of investigation were associated with the JFK assassination investigation, the Service will release those names. The Service wishes to protect only those names that are not relevant to the investigation of the assassination. The Secret Service analyzes Dinneen's memos to show that only 16 of the 413 names can be released. That is, only 16 targets were relevant to the investigation.
3. The Service argues that since the threat sheets include mental health information, the release of names of individuals who were not related to the assassination-- as determined by the Secret Service--would constitute an invasion of privacy that overcomes the public's interest in the specific name.
4. The Service would lose a valuable protective technique if the names are released: Members of the mental health community would not provide the information required by the Service. The Service provided two letters from members of the mental health community to supplement this point. Even if the individual is dead, the link between the name and the mental health information would have a chilling effect on future relations between the Secret Service and the mental health community.

III. Problems With the Secret Service's Compliance with the JFK Act

1. The Service's main assumption is that some names are relevant to the assassination and some are not. The JFK Act defines all the names as relevant because of HSCA researcher Eileen Dinneen's identification of them in her study of Secret Service records. The Secret Service would appropriate to itself or leave to the Board the decision to include some names but not others for release.

--If the Board accepts the Service's definition of what is relevant rather than what is required by the JFK Act, then several new categories could be established. For example, many of the individuals named as targets were not associated in any way with the mental health community, and some really did threaten President Kennedy in March-November 1963. The Board could redefine ways in which more of the names could be released beyond those the Service has already agreed to release. Moreover, some of the names have already been identified in other Secret Service records that have been released as well as in FBI reports.

2. The Service's assertion of a §6(5) postponement fails for several reasons: one is that the use of the mental health community has already been revealed in the Thomas Vallee reports as well as the John Warrington file. (See my memo on evaluations, January 1996) Both of these files contain detailed

psychiatric information. A second reason is that Secret Service agents referred to this technique in their HSCA interviews, which have already been released. The most compelling reason is that **the Secret Service is willing to reveal the names of individuals it thinks is relevant to the assassination.** That's everything: the text of the documents and the names that the Service insists will compromise protection. They have undermined their own arguments regarding protection and privacy by offering to release "relevant" names.

3. The Secret Service fears a chilling effect on its relationship with the mental health community. **Yet none of the documents at issue here mentions any name of a doctor or member of the mental health community.** Under a § 6(4) confidential relationship claim, the Service would need to demonstrate that such a relationship exists. Only the targets of investigation appear in the threat sheets (with the exception of a very few "informants" whom the Service does not mention).

4. The Service's claim that if it sought out the people listed in the documents these individuals would start trouble for the Secret Service is simply not convincing. The Secret Service can establish by a computer search that a large number of these people are probably deceased without intruding.

5. The Secret Service destroyed protective surveys that one of Dinneen's memos describes. Her information is the only source left for the content of the protective surveys, and that memo should be released in full.

The Board has several options:

1. The Board can reinstate its vote to release these documents in full. The Service will appeal, and the Board can point out that the Service has not met the standards for postponement in the JFK Act.

2. The Board can allow the Secret Service 60 more days to provide appropriate information that responds specifically to §6 criteria.

3. The Board can vote to accept the Service's offer to release the full text of all these documents and then delay release of all the names for 5 years.