

...NOTE: There is a list of names already open among the files in the SCIF.

Send them copies of each of the three documents at issue, and send them samples of the threat sheets.

OUTLINE:

1. ISSUE

Board must reconsider the issue of the Eileen Dineen documents. Eileen Dineen was . The documents at issue are three from the HSCA files and three from the personal files of Eileen Dineen (which the Board obtained?)

2. HISTORY OF DINEEN ISSUE

3. SECRET SERVICE ARGUMENTS

4. ARGUMENT WHICH CUT AGAINST SECRET SERVICE

5. ARGUMENTS IN FAVOR OF RELEASE

6. OPTIONS

7. RECOMMENDATIONS

MEMORANDUM

March 29, 1998

To: T. Jeremy Gunn, Executive Director

From: Kim A. Herd

Re: Eileen Dinneen Issues

As you are aware, the Review Board and the Secret Service had previously considered the issues presented in these records, but resolution of them was ultimately deferred. The Board would now like to resolve the issues presented in these documents. As you may recall the Board voted to open up all of these documents at its March 18-19, 1996 meeting, and voted not to sustain the Secret Service's requested postponements. The documents opened at this meeting were two memos by HSCA staff member Eileen Dinneen (180-10087-10302 and 180-10103-10465) and 413 threat sheets (180-10065-10379) prepared by Dinneen by 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 and that release would not enhance the historical record but would violate individual privacy and compromise a Secret Service protective technique. Specifically, its arguments were: 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 on the threat sheets that would respond to a Sec. 6(3) postponement. The Board requested that the Service provide information about whether or not the individuals were living or dead, as well as evidence of a specific invasion of privacy. The Secret Service registered a rigorous objection to the Board's decision, and thus the Board agreed to give the Secret Service more time to present additional arguments and evidence in support of its requested postponements. The Board also designated Items 31, 2 and 9 from Dinneen's personal materials as assassination records at its July 9-10, 1996 meeting, and the Secret Service indicated its intent to request postponements of certain names in these documents. At its July 9-10, 1996 meeting, the Board considered their arguments regarding privacy and the Secret Service's relationship with the mental health community. The Board decided to provide the Secret Service with 60 additional days, until Sept. 23, 1996, to prepare specific evidence in support of their claimed postponements. Ultimately, we extended this time to November 13, 1996 before tabling the issue. In particular, the review Board requested evidence of a confidential relationship between either (a) individuals named and identifiable members of the mental health community, or (b) between an individual mental health professional and a government agent in those cases where any kind of mental health issue is mentioned in the document.

Our review of the summary sheets indicates that there were 115 pages that contained references to mental health issues and commitment to a mental health facility (implying an evaluation by a mental

health professional) Ultimately, the Board suspended its consideration of the Dinneen materials, in December, 1996.

The Board would like to resolve the issues presented by these documents. Our understanding of the Secret Service's position, is that it does not object to the release of the text of all of these documents, but it does object to the release of most of the names of the individuals associated with the text. The Secret Service has argued that release of the names of these individuals would constitute a substantial invasion of their privacy, and would also compromise the Secret Service's relationship with the mental health community and its ability to fulfill its protective responsibilities. See Nov. 13, 1996 letter from J. Vezeris to D. Marwell. We further understand that the Secret Service does not object to the release of the names of individuals who had been associated with the investigation of the assassination of President Kennedy, nor to the release of the names of certain individuals who are now deceased. We even withdrew our notice of consent release from the Federal Register. At that time, the Review Board gave the Secret Service additional time to review these materials. In our letter of July 22, 1996, we asked that the Secret Service provide us with:

1. "Specific evidence to support [their] claim that certain names should remain confidential, or that an individual's privacy interests would be violated as a result of release or that an identifiable person from the mental health community supplied information regarding a target of the Secret Service interest." and

2. "Evidence of a confidential relationship between either (a) the individuals named and identifiable members of the mental health community, or (b) between an individual mental health professional and a government agent in those cases where any kind of mental health issue is mentioned in the document.

Secret Service's principal points in support of their arguments for postponement:

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. (Note: Approximately 250 of the 413 do not specifically mention commitment to a hospital or a doctor's opinion regarding mental health.)

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.

5. "Based on computer matches of identifying data for these individuals, we are conceding the release of 66 names since we have reason to believe that they are deceased and only a section (6) (3) postponement argument was being made. However, we continue to seek postponements for other deceased subjects when more than personal privacy is the basis for the postponement request.

Of the 413 summary sheets, they were still seeking postponements on 321. "Most of these cases are completely coincident to the JFK assassination, associated only by virtue of the time frame in which they were brought to the attention and investigated by the Secret Service.

"The basis for the Service's position that certain names must remain confidential are several-fold: (i) the release of names would constitute an invasion of privacy; (ii) the invasion of privacy is so substantial that it clearly outweighs the interest to disclose; (iii) the release would compromise an understanding of confidentiality between the Secret Service and the mental health community; and (iv) public disclosure would seriously adversely impact the Secret Service's ability to fulfill its protective responsibilities in the future, such that the harm would outweigh the interest to release.

In one Attachment #1 to the Secret Service's letter of November 13, 1996, Jane Vezeris indicated that the Secret Service was not contesting 92 names that appeared on the "threat sheets." In addition, by virtue of the Secret Service's research, forty six of the individuals appearing on the threat sheets are now deceased. of the attachments to Jane Vezeris' letter, mandated as a result of ri In the meantime, we found some personal notes of Eileen Dineen (from Ms. Dineen), and we also designated these as assassination records at our ?, 1996 meeting. In a responsive letter on September 20-, 1996, the Secret Service agreed with the Board's decision as to some of the documents, but did not want to release certain other documents. We continued to give the Secret Service additional time to present evidence. The The documents that remain at issue are as follows:

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At that time, We propose that the Board vote on the Dineen documents, at its April 13, 1998 meeting. At that time, the Board will consider the arguments already advanced by the Secret Service, as well as any other evidence the Secret Service wishes to submit or present in person. If the Board decides to release all of the names in the Dineen materials, the Secret Service can appeal the Board's decision. To the extent you believe the Secret Service would be able to assemble

additional, persuasive evidence in support of its requested postponements, the Board would be pleased to postpone consideration of the Dinneen materials until its May 12, 1998 meeting.

The following documents are at issue:

1. RIF # 180-10087-10302 (Eileen Dinneen's review of JFK Trip files for 1963 with attached Secret Service Report Forms)
2. RIF # 180-10103-10465 (Memorandum from Eileen Dinneen to Dick Billings regarding review of Protective Cases Established by the Secret Service during 1963)
3. RIF # 180-10065-10379 (Three folders of 413 sheets compiled by Eileen Dinneen summarizing protective intelligence cases established by the Secret Service during 1963)
4. Item #1 from Dinneen's Personal Materials (Memorandum-Secret Service Protective Cases)
5. Item #2 from Dinneen's Personal Materials (Secret Service Index File and Commission Documents: U.S. Archives)
6. Item #9 from Dinneen's Personal Materials (Document #006256 re: Briefing Papers)

Arguments in support of releasing these documents:

(The Secret Service has outlined its arguments in three separate letters: April 15, 1996 and June 24, 1996, and November 13, 1996.)

1. The JFK Act presumes that the documents at issue are "assassination records" because of Eileen Dinneen's identification of them in her study of Secret Service records (and in her capacity as working for the HSCA?)

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2. Many of the individuals names as targets were not associated in any way with the mental health community. 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. (?) Some of the names have already been identified in other Secret Service records that have been released as well as in FBI reports.

3. The Service's assertion of a Sec. 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. 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 - (Undercuts their privacy and protection arguments for the others). Plus - if they release the text - in a way, they are conceding that they receive information from mental health providers. Frequently, the information obtained by mental health providers is clearly identifiable by virtue of the text.

3. The Secret Service fears a chilling effect on its relationship with the mental health community. However, none of the documents at issue mentions the name of a doctor or member of the mental health community. Question: Is the information listed in such a way as to identify the fact that it came from a psychologist, etc.? Only targets names appear (with the exception of a few informants - check this out.)

4. Secret Service's claim that if it sought out the people listed in the documents, these individuals would start trouble for the Secret Service. Question: Check this out.

5. Secret Service destroyed protective surveys that one of Dinneen's memos describes. Her information is the only remaining source revealing the content of the protective surveys, and that memo should be released in full. Among the files destroyed: Box 5: 38 folders 3-18-63 to 9-24-63 and Box 2 7 folders March - November 1963; Other places Folder #5 - January - June, 1963; Other Places Folder #6 - July - Nov. 1963; Sheraton Park Hotel - Folder #3 1963 ; Shoreham Hotel 5-15-62 to 5-9-63; Statler Hilton hotel - folder #3 1963; State Department folder 33, Theaters. (This is our strongest argument)

Options:

1. Release in full. Secret Service probably will appeal. Let them appeal.

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2. Could vote to accept the Service's offer to release the full text of all these documents and then delay release of all the names ?

3. Could redefine ways in which more of the names could be released: Many of the individuals names as targets were not associated in any way with the mental health community, and some really did threaten President Kennedy in March - November, 1963.

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