

I. Release of these Records Constitutes an Invasion of Privacy

- A. If released, the information would be considered stigmatizing and
Extremely damaging to the subject of the information.
- B. Most of the individuals named were in no way associated with the
JFK investigation. Thus, release of these names would be unfair.
- C. Release of these names adds no historical value - at least not enough
To overcome the concomitant invasions of privacy.

The Secret Service argues that releasing this information would.....

"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 attention and investigated by the Secret Service." (November 13, 1996 letter)

- There should not be any privacy claims for any of the individuals who are dead.

Mental Health Concerns

- E. A fair number of the Dinneen materials contain mental health information
And diagnoses. The Service has traditionally accorded the highest
Protection to this type of information.
- F. Due to the highly sensitive nature of mental health diagnoses, releasing
Such information could reagitrate or traumatize the subject of the information

- Because of the laws governing commitment, there should not be any claims regarding privacy releases. In the District of Columbia, the fact that someone was committed, is open to the public. Records in the form of "lunacy dockets" have been kept on file since the early 1900's. See "District Court of the United States for the District of Columbia (Decree: Committed to St. Elizabeth's hospital at public expense- 1941. For the Further, the fact that someone was committed in mental health court is a matter of public record. In fact, in the District of Columbia, the fact that someone has been committed in mental health court is a matter of public record. (Cite the law) This was also the case in the 1960's. (Cite the law) Our research has shown that.....

With respect to the Service's argument that release of the information would be stigmatizing, and damaging to the person's reputation, it is highly likely that in the case of those individuals who have mental health issues, the fact of this is known to the public. In other words, persons with mental illness that rises to the level of committability, have probably broadcast their mental illness to the general public.

With respect to the other individuals, it is essential to know what types of people the Secret Service were investigating. To the extent any of these individuals made a threat to the president, their identities should not be protected. Further, in the cases of those who were falsely accused, the fact of this is usually stated on the threat sheet. Further, the argument can be made that these people have the right to know that they were the subject of a Secret Service investigation.

Unique Nature of Protective Intelligence Investigations (Hurriedly obtained information)

Right to know what's in there about them.

II. Invasion of Privacy outweighs public's interest in disclosure.

A. Because of the extreme stigma, release of this information would be legally and ethically inappropriate. The Service argues that releasing this information would contravene the legal requirement that such information be relevant to a material fact. This is not the applicable standard. Besides, this information is applicable to a material fact.

Response: The Service has eroded its privacy arguments by already agreeing to release some of the names in the files.

Response: The Service is inconsistent in the types of information it is seeking to protect.

B. Release does not meet the "compelling interest in prompt public disclosure Standard as set forth in Sec. 6(3) of the JFK Act. The public does not have a Legitimate interest in the names contained in the study - releasing them would add nothing to the historical value of Dinneen's study.

Response: This is an important study on the protective intelligence efforts of the Secret Service prior to JFK's assassination. To not disclose this information would contravene the very intent of the JFK Act. In the past, the Review Board has disclosed informants, etc.

Response: The memorandum describing Dinneen's analysis of the trip files should be released since the Service has agreed to release in full all protective surveys viewed by Dinneen for the March - December, 1963 period.

These protective surveys were subsequently destroyed by the Secret Service in violation of the JFK Act. Thus, Dinneen's memorandum is the only remaining source of what was contained within those protective surveys.

Response: The JFK Act presumes that these should be released in full since they are records of the HSCA.

Response: Dinneen chose to record the names - they are an integral part of her study and thus, of the historical record. If the Board does not release these names, the public will have questions.

Response: The JFK Act takes precedence over privacy and other assertions. The contested names relate to a short time frame directly before the assassination.

Response: Information about the types of individuals the Service was investigating around the time of the assassination is important for the historical record, since it reveals how the Service allocated its investigative resources.

C. Releasing the names in violation of the Service's current practice of utilizing "informed consent" forms as part of its investigative technique.

Response: This is not an applicable argument. Informed consent forms were not used in the 1960's. Further, only a small number of the forms mentions input from a doctor. In any event, the Service was unable to produce any specific confidentiality agreements that existed between mental health providers and the Service around the time of the assassination.

III. Release of these Names Would Compromise and Understanding of Confidentiality Between the Secret Service and the Mental Health Community.

“We continue to seek postponements for other deceased subjects when more than personal privacy is the basis for the postponement request.

Counterargument: “As your letter indicates and as we have stated before, the Secret Service is not objecting to the release of the data found within these documents provided the names of the subjects associated with data is redacted.” (November 16, 1998 letter)

Response: Although the Service argues that release of these names will compromise its protective techniques, the Service has not requested postponement of any of this type of information that appears in the Dinneen materials.

Response: The Service has been inconsistent in its arguments.

A. A lot of mental health information had already been released:

- Testimony of SS agents before the HSCA

- Testimony of SS agents before the Warren Commission?
(Bouck)

Bouck testified that “About 90 percent of the cases generated would be other than from federal agencies.(Vol IV p. 302)..... The great many of them arise from telegrams, telephone calls, unwelcome visitors, letters to the White House, Unwelcome visitors to the White House.

- Release of Thomas Vallee and John Warrington Files

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IV. Release of these names would seriously and adversely impact the Secret Service’s Ability to Continue to Fulfill its Protective Responsibilities

A. Release of these names will inhibit the Service’s ability to gather protective information, since it will no longer be able to assure informers that their data will be kept confidential.

B. Release of these names could provoke vocal objections from such groups as The APA and the ApA, thus drawing more public attention to the issue.

Response: Based on the letters we have been forwarded, the Service did not accurately articulate the nature of their concerns to the mental health professionals whose advice they sought. "It has come to my attention that the Assassination Records Review Board is seeking to release certain documents in the Secret Service Records that in actuality have no relevance to the assassination of President John F. Kennedy.....Further, I am very concerned that the release of this information could compromise the willingness of mental health professionals to report information to the Secret Service should such a precedent be established wherein the confidentiality of such reports could be breached.

1. Of the 413 names - only five mention a doctor. Doctor is not named specifically.
2. The ARRB is not seeking to release information such as "homosexual affairs, sexual abuse, etc. It's likely that the medical community wasn't accurately informed about what types of information the Board is seeking to release.

Further, there are publications that document the cooperation of the Secret Service and the Mental Health Community.

Response: While the mental health community may object to the Board's release of these names, it is unlikely that the release of these names will deter the mental health professional community from providing protective information to the Service in the future, or blame the Secret Service.

Mental Health professionals have a duty to warn. Tarasoff, etc. This is a responsibility they are not likely to take lightly when it involves the life of the President or any other Secret Service protectee.