

MEMORANDUM

March 24, 1998

To: T. Jeremy Gunn
Executive Director

From: Laura Denk
Chief Analyst for FBI Records

Subject: Recommendations Regarding Grand Jury Information Under Seal in the FBI's
"Segregated Collection"

In response to your request for my recommendation on handling grand jury information that is under seal of a court in the FBI's "Segregated Collection," this memorandum supplements my January 16, 1998, memorandum on grand jury information in FBI records (attached).

As you know, unlike information that agencies seek to postpone under Section 6 of the *John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"), grand jury information is under court seal and cannot be released unless we take affirmative steps to petition a court for the release of the information. (Presumably, we would follow the same procedures we have used with the BRILAB records.) Section 10(a)(2) of the JFK Act is titled "Materials Under Seal of Court" and reads, in relevant part:

(A) The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to the assassination. . . that is held under the injunction of secrecy of a grand jury.

Thus, according to the terms of the JFK Act, the Review Board must work with the Attorney General to petition the court that initially placed the information under seal if it wishes to release grand jury information. The FBI can not unilaterally release grand jury information in its records, and the JFK Act does not allow the Review Board to direct the FBI to disclose grand jury information to the public.

Given that the Review Board does not have the time or the resources to petition courts to unseal every FBI record that contains grand jury information, Review Board analysts have been working to identify those documents that we believe would merit a petition to a court to unseal grand jury information. In our review of the FBI's "Segregated Collection," we have not yet found any records that we believe would merit such a

petition. Accordingly, unless we identify relevant grand jury information, I recommend that the FBI complete its processing of the “Segregated Collection” files that we have reviewed to date and transfer those records to the JFK Collection with the grand jury information redacted.