

DRAFT -- 1/17/96

MEMORANDUM

January __, 1996

To: The Review Board
cc: David G. Marwell
 T. Jeremy Gunn

From: Philip D. Golrick

Subject: Informant Postponements

At the close of the Review Board's January 5 meeting, I remarked to some of you that the staff's ability to make recommendations regarding informant postponements was being hampered by apparent inconsistencies in the Board's decisions. We are also concerned that such inconsistencies could be exposed on a future FBI appeal and make it more difficult for us to defend the Board's decisions. This memorandum is intended to explain these concerns.

The difficulty confronting the staff does not stem from any particular decision, considered in isolation. It is rather that, on the key issue of when an informant's name will be protected, no consistent decisionmaking criteria emerge from the body of decisions as a whole. Instead, there are clusters of seemingly irreconcilable outcomes.

More specifically, clearer guidance on the following questions would be of great help:

1. *How much weight should be accorded concerns expressed by informants or surviving relatives in interviews by the FBI?* The Review Board has postponed the name of a deceased informant whose surviving spouse feared embarrassment or harassment. On the other hand, virtually identical concerns expressed by living informants themselves have not always persuaded the Review Board to postpone their names.
2. *To what extent (if any) should the fact that an informant provided no information related to the assassination, or information only tenuously related to the assassination, strengthen the case for postponement?* In protecting the name of a deceased informant who provided important information about a historically significant event unrelated to the Kennedy assassination, some Board members noted that the

informant's identity was irrelevant to the Kennedy assassination. However, the Board has voted to release the names of other informants who, as reflected in the documents at issue, provided no information about the assassination.

At the January 30-31 Review Board meeting, the staff will make recommendations, based upon the Review Board's most recent deliberations, that we hope will assist the Review Board in developing more consistent guidelines to informant postponements.