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## MEMORANDUM

June 20, 1996

To: David G. Marwell  
T. Jeremy Gunn, Esq.

From: Philip D. Golrick, Esq.

Subject: Records of the Metropolitan Crime Commission of New Orleans (MCC)

The MCC is a private anti-crime organization which, since the 1950's, has particularly targeted public corruption and organized crime in the New Orleans area. Last week, Laura Denk, Kevin Tiernan, and I reviewed MCC records and identified a considerable number that we believe should be included in the JFK Collection. A summary of these records is attached.

We face two issues in obtaining the identified records for the JFK Collection: *first*, whether to accept copies instead of the original records; and *second*, whether to agree to the MCC's request to postpone public release of names of confidential informants appearing in those records.

### *Copies or Originals*

I suggest that, in this instance, we accept copies for inclusion in the JFK Collection. This suggestion is premised on the following factors:

- The belief that the MCC is much less likely to object to our taking copies than to our taking originals. During our review of records, MCC personnel remarked that the originals of some records (*e.g.*, those signed by Robert F. Kennedy) might have significant market value.
- The desire to avoid, if possible, having to issue and sue for enforcement of a subpoena against the MCC. Maintaining a cooperative relationship with the MCC will allow us to secure the records more quickly and efficiently. Also,

if the issue were litigated, the MCC could attempt to distinguish the precedent of the recent Connick decision by arguing that at least some of the records we are seeking were not reviewed by the HSCA, and thus are not “assassination records.”<sup>1</sup>

- Accurate photocopies will contain all relevant information that the originals do.

### *Informants*

I suggest that we accept in principle the postponement of the names of confidential informants that may appear in MCC records, and proceed to confer with the MCC about the details of implementation.<sup>2</sup> This suggestion is premised on the following factors:

- The JFK Act contemplates postponements of this type in non-Federal records. Section 5(a)(4) provides: “No assassination record created by a person or entity outside government (*excluding names or identities consistent with the requirements of section 6*) shall be withheld, redacted, postponed for public disclosure, or reclassified.” (Emphasis added.)
- Only a small percentage of the records we identified are even potentially affected by this issue.
- Regarding those records that do present the issue, the MCC’s privacy and confidentiality concerns are reasonable. Our review of MCC records confirms that, in the 1950’s and 1960’s, the MCC operated a small network of confidential informants, and even adopted the FBI practice of assigning to some informants “symbol numbers” in order to protect their identities. Often these informants reported on organized crime.

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<sup>1</sup>For example, we would like to obtain for the Collection copies of Guy Banister’s office files in the possession of the MCC and have no doubt that these files would be of significant interest to researchers. However, it is not clear that the HSCA reviewed them and, in the context of a contested taking, a court might be skeptical to what extent they otherwise fall within the statutory definition of “assassination records.”

<sup>2</sup>Such details would include how long the names would be postponed and how such postponement would be effected (*e.g.*, by virtue of a restricted deed of gift executed by the MCC).

- For the reasons discussed above, it appears that avoiding confrontation with the MCC is the surest and most efficient way to obtain these records for the Collection.

If these suggestions are acceptable, we can send to the MCC a letter along the lines of the attached draft.