

MEMORANDUM

September 27, 1996

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

From: Philip D. Golrick

Subject: Redactions of “Not Assassination-Related” Information in FBI Records

This memorandum summarizes the major issues presented by “Not Assassination-Related” (“NAR”) redactions taken by the FBI, and identifies options available to the Review Board on these issues. Guidance on how the Review Board intends to approach “NAR” redactions will assist both the FBI and the ARRB staff in processing the over 1400 FBI records with “NAR” redactions.

I. *FBI Processing of Assassination Records With “NAR” Redactions*

When one or more pages of an assassination record contain information that the FBI wishes to withhold on “NAR” grounds, the FBI sends to NARA *redacted* photocopies of those pages, but keeps the originals. This practice is premised on the understanding that information withheld on “NAR” grounds is *permanently* excluded from the JFK Assassination Records Collection. On this understanding, “NAR” information is treated differently than information postponed under Section 6 of the JFK Act, all of which the FBI sends to NARA to become part of the Collection and eventually to be released to the public, albeit at a later date.

II. *Types of “NAR” Redactions Taken By the FBI*

A. *Reports on Multiple Cases*

These records typically are found in field-office files on “core subjects” (*i.e.*, Lee Harvey Oswald, Jack Ruby, and the assassination itself). As part of its investigation, the FBI contacted each of its informants throughout the country to ascertain whether the informant had any information pertinent to the assassination. Sometimes, the agent reporting such a contact used the same form to record whether the informant provided information on other pending cases, unrelated to the assassination. One copy of the same form was then placed in the file for each case about which the informant was

contacted.¹

In some of these cases, the FBI has redacted on “NAR” grounds the reporting on unrelated investigations (in addition to any postponements claimed under Section 6(4) of the JFK Act to protect the identity of the informant). File folder “FBI-A” contains some examples of this category of “NAR” redaction.

The FBI contends that this “other-case” information appears in assassination records only by the happenstance that an agent chose to record information about separate cases in the same document, and not by any decision that the “other-case” information was relevant to the assassination. Because, in the FBI’s view, this category of information is readily identifiable as not related to the assassination, the FBI is requesting that the Review Board sustain these redactions.

- Options:*
1. Instruct the staff to recommend sustaining this type of “NAR” redaction, with the provision that “other-case” information arguably related to the assassination should be brought to the attention of the Board. Permit the FBI to continue to refrain from transferring “NAR” information to NARA, with the result that information redacted on “NAR” grounds never enters the JFK Assassination Records Collection.
 2. Same as first option, but direct the FBI to transfer original pages containing “NAR” information to NARA, and have the “NAR” information interfiled with the other FBI records in the JFK Assassination Records Collection at a specified date (*e.g.*, 2017).
 3. Reject this category of “NAR” redactions and require immediate release of this information unless the requirements for sustaining an informant (or other type of) postponement under Section 6 are satisfied.

B. *Information Relating to the HSCA’s King Investigation*

¹A variant of this situation can arise in the monthly “summaries” that field offices sent to Headquarters on certain general topics (*e.g.*, “criminal intelligence”). These records typically consist of separately titled subsections on different cases, only one of which may relate to the assassination.

The HSCA conducted separate investigations into the assassinations of President Kennedy and Dr. Martin Luther King, Jr. However, the FBI maintained one file for its liaison with the HSCA. Many documents in the FBI's file on the HSCA contain some information related to the Kennedy investigation, and some information related to the King investigation. Where a document contains segregable information that relates solely to the King investigation, the FBI has redacted that information on "NAR" grounds.² Where an entire document relates solely to the King investigation, the FBI has withheld the document in full. File folder "FBI-B" contains some examples of this category of "NAR" redaction.

The FBI's position is that, where documents or readily segregable portions of documents deal solely with the HSCA's King investigation, they may properly be withheld from the JFK Assassination Records Collection on "NAR" grounds.

Options: Regarding documents in the FBI file on the HSCA that contain some Kennedy information and some King information:

1. Instruct the staff to recommend sustaining this type of "NAR" redaction, with the provision that any information arguably related to the Kennedy assassination should be brought to the attention of the Board. Permit the FBI to continue to refrain from transferring "NAR" information to NARA, with the result that information redacted on "NAR" grounds never enters the JFK Assassination Records Collection.
2. Same as first option, but direct the FBI to transfer original pages containing "NAR" information to NARA, and have the "NAR" information interfiled with the rest of the FBI's file on the HSCA in the JFK Assassination Records Collection at a specified date (*e.g.*, 2017).
3. Reject this category of "NAR" redactions and require immediate release of this information unless the requirements for sustaining postponements under Section 6 are satisfied.

The staff believes that it is appropriate to withhold from the JFK Assassination Records Collection documents in the FBI file on the HSCA that relate *entirely* to the King investigation. However, the staff proposes to review each of these documents to verify that the withholding is appropriate. (Any such documents containing

²In so doing, the FBI followed advice from NARA, which took the same approach to this issue in processing the HSCA's files.

information arguably relevant to the Kennedy assassination would be brought to the attention of the Board.) The staff further proposes that, after making this verification, the staff attach to the corresponding withdrawal notice in the Collection a certification that the withheld document was independently reviewed by ARRB staff, who concluded that the document related solely to the King investigation.

C. *Information Relating to Other Aspects of the Church Committee's Work*

The Church Committee had a broad mandate, which necessarily expanded its work beyond matters reasonably related to the Kennedy assassination.³ For this reason, the FBI's file on its liaison with the Church Committee, and the records that the FBI made available at the Committee's request, contain a great deal of information that the FBI wishes to withhold on "NAR" grounds. However, in contrast to the contents of the HSCA file, which for the most part divide cleanly into Kennedy-related and King-related information, the contents of the Church Committee file are more likely to require discretion in determining what information is reasonably related to the Kennedy assassination.⁴ The staff believes that the FBI has generally applied a suitably broad understanding of what in this file is reasonably related to the assassination, informed by what the Church Committee and the HSCA believed relevant to their Kennedy assassination inquiries.

The FBI has created record identification forms (RIFs) for the entire Church Committee file, including documents withheld entirely on "NAR" grounds.

File folder "FBI-C" contains some examples of this category of NAR redaction.

Options: Regarding documents in the FBI file on the Church Committee that are partially released and partially withheld on "NAR" grounds:

³The Senate Resolution creating the Committee called for inquiries into, among other areas, "[t]he origin and disposition [during the Nixon Administration] of the so-called Huston Plan to apply United States intelligence agency capabilities against individuals or organizations within the United States," and "[t]he violation or suspected violation of any State or Federal statute by any intelligence agency or by any person by or on behalf of any intelligence agency of the Federal Government." *Select Comm. to Study Governmental Operations with Respect to Intelligence Activities, Foreign and Military Intelligence -- Book I*, S. Rep. No. 755, 94th Cong., 2d Sess. 2-3 (1976).

⁴The FBI files on its liaison with the Pike Committee and the Rockefeller Commission present similar issues, although in a smaller quantity.

1. Instruct the staff to recommend sustaining or overturning claimed “NAR” redactions in a manner consistent with the applicable provisions of the JFK Act and the Review Board’s regulations, with the provision that discretionary cases be slated for individual review by Board members. Permit the FBI to continue to refrain from transferring “NAR” information to NARA, with the result that information redacted on “NAR” grounds never enters the JFK Assassination Records Collection.
2. Same as first option, but direct the FBI to transfer original pages containing “NAR” information to NARA, and have the “NAR” information interfiled with the other FBI records in the JFK Assassination Records Collection at a specified date (*e.g.*, 2017).
3. Reject this category of “NAR” redactions and require immediate release of this information unless the requirements for sustaining postponements under Section 6 are satisfied.

The staff believes that it is appropriate to withhold from the JFK Assassination Records Collection documents in the FBI file on the Church Committee that are not reasonably related, in whole or in part, to the assassination of President Kennedy. However, the staff proposes to review each of these documents to verify that the withholding is appropriate. (Any such document containing information that is arguably related to the assassination would be brought to the attention of the Board.) The staff further proposes that, after making this verification, the staff attach to the corresponding withdrawal notice in the Collection a certification that the withheld record was independently reviewed by ARRB staff, who concluded that the document was not reasonably related to the assassination of President Kennedy.

D. “Cross-Reference” Documents

This category of “NAR” redaction comprises miscellaneous documents that refer to, and were indexed under, the names of assassination-related figures. Unlike the records in the other categories, they do not present conceptually similar issues. However, some examples of this category of “NAR” redaction are collected in file folder “FBI-D” for the consideration of Board members.