

GUIDELINES FOR MAKING RECOMMENDATIONS ON POSTPONEMENTS IN FBI RECORDS

I. GENERAL (BUT IMPORTANT) REMARKS

The discussion that follows speaks of “routine” or “nonroutine” recommendations to release or to postpone. These terms apply to individual postponements (there is a box in the postponement detail to check if a recommended release is nonroutine and a second box to check if a recommended postponement is routine). The red-yellow-green trichotomy applies to entire records. Derive the color for the entire record as follows:

Code a record *green* if *all* of the recommended releases and postponements are *routine*.

Code a record *yellow* or *red* if *any* of the recommended releases or postponements are *nonroutine*. There is no clear line between yellow and red (although, by some reports, the line is orange). Code the record red if, taken as a whole, the record seems “really nonroutine.” Beyond that, don’t waste time worrying about whether to call a record yellow or red -- the key distinction is really between green and nongreen.

II. INFORMANT POSTPONEMENTS

A. Statutory Framework

The FBI categorically has decided to rely on Section 6(4) for informant postponements, and not Section 6(2) -- even though most of the records, as originally processed, refer to both subsections in support of informant postponements. (Section 6(2) expressly requires that the informant be alive.) On reviewtrack, select Section 6(4), not Sections 6(2) and 6(4), for informant postponements. Similarly, if you are recommending postponement of a name, symbol number, informant file number or other identifying information for a *human* source, base the recommendation on Section 6(4), and not Section 6(1)(B) or 6(1)(C), even if the information you are postponing is classified.

B. Effect of Prior Releases

If a person’s informant relationship with the FBI has already been made public, then we should not recommend sustaining postponements claimed to “conceal” this relationship. Thus, before recommending postponement of a named or symbol-number informant, check the “released names and numbers” part of the reviewtrack to see if the name or symbol number is released elsewhere:¹

¹If a named informant provided information that “sounds” as if the Warren Commission, the HSCA or others may have been interested in following up on it, the analyst should check other

If the *name* of an informant in the record you are analyzing has already been released in a context that *discloses the informant relationship with the FBI*, then recommend routine release and note in the comments field that the informant relationship is already disclosed. If practical, attach a copy of the previous disclosure to our working copy of the record you are analyzing.

If an *informant symbol number* in the record you are analyzing has already been released in a context *where that symbol number was providing the same information* as in the record you are analyzing, then recommend routine release and note in the comments field that the symbol number is already released in the same context. If practical, attach a copy of the previous disclosure to our working copy of the record you are analyzing.

N.B.: Whether there are prior releases of named informants makes no practical difference unless and until the FBI adequately proves that the informant is still living. *See* discussion below. The analyst should research the existence of prior releases only in cases where, in the absence of prior releases, postponement would be recommended.

C. Effect of “High Public Interest”

In some cases, the fact that a particular individual had an informant relationship with the FBI is sufficiently important to warrant recommending release under circumstances where the general rules discussed in Part II.D below would otherwise recommend sustaining the postponement. The Review Board’s decision to release the name of Gerry Patrick Hemming is a good example of this.

D. Recommendations for Different Types of Informant Postponements

Subject to the important qualifications stated in Parts II.B and II.C above, the following guidelines apply to informant postponements.

1. “Protect Identity Requested”

The FBI releases the names of these individuals unilaterally. This means that, if they appear in records that have other types of postponements, redactions originally intended to protect the identities of these people count as former postponements, but don’t otherwise get entered on the review track.

2. Named Informants

appropriate sources to see if they identify the informant.

This category, unlike the first, includes people whose names appear in assassination records and who had some type of ongoing informant relationship with the FBI. They are usually described as “PSIs” or “PCIs,” but “established sources,” “panel sources,” and others might fall into this category.

a. **“Negative Contacts” (No assassination-related information provided)**

(i). *If the FBI adequately identifies the informant as still living*, then recommend that the informant’s name be postponed with a release date 10 years from now, substitute language “name,” Board reason “informant name,” routine postponement. Recommend postponing any specifically-identifying information (*e.g.*, phone number, street address, “case number” part of file number, “numeric” part of symbol number) on the same terms, with appropriately modified Board reasons and substitute language.

N.B.: An informant is “adequately identified as still living” if identified through current information with a living person with the same name and other specifically identifying information (*e.g.*, name + DOB, name + SSN).

(ii) *In all cases where the FBI does not **adequately** identify the informant as still living*, recommend routine release of the name and any accompanying identifying information.

b. **“Positive Contacts” (Some assassination-related information provided)**

(i) *If the informant is **not adequately** identified as still living*, recommend routine release of the name and any accompanying identifying information.

(ii) *If the informant **is adequately** identified as still living*, a case-by-case approach is required. Relevant factors include:

How significant is the information provided to understanding the assassination?

How important is the identity of the informant to assessing the accuracy of the reported information?

How significant is the threat of harm to the informant from disclosure (*e.g.*, how long was the informant active, what kind of information was provided, is the informant still living in the same area as when he was active)?

If you recommend postponement, use a release date of ten years from now, substitute language “name,” Board reason “informant name” (if there also is specifically-identifying information (*e.g.*, phone number, street address, “case number” part of file number, “numeric” part of symbol number) recommend postponement on the same terms, with appropriately modified Board reasons and substitute language). Regardless of whether you recommend postponement or release, mark the action as non-routine.

3. Informant Symbol Numbers

N.B.: If a record you are analyzing refers to an informant by both name and symbol number, the guidelines of Part II.D.2 apply. In such a case, treat the symbol number as you would other forms of specifically-identifying information -- recommend postponement or release, according to your recommendation for the name. The guidelines stated below apply only where the record you are analyzing does not clearly associate the informant’s name with the symbol number.

a. Where the FBI Seeks Postponement of JUST the “Numeric” Part of the Symbol Number and the “Case Number” Part of the Informant Symbol Number

General Rule: Subject to the effect of any prior release, recommend routine postponement with release date ten years from now, substitute language “informant symbol number,” default Board reason (for the file number, use substitute language “informant file number,” informant file number Board reason).

Exception: The FBI unilaterally releases unclassified symbol numbers in their entirety for negative contacts. If there is an unclassified negative-contact symbol number that the FBI claims it wants to keep postponed, it is probably an oversight -- call it to Carol’s attention and she will likely agree to release it unilaterally. Similarly, the FBI sometimes unilaterally releases unclassified symbol numbers where, strictly speaking, the contact is “positive,” but the information provided is quite general and non-informant-identifying. If you call a record like this to Carol’s attention, she may agree to release the entire number. Our general practice has usually been not to press the point if Carol sticks by the request to protect the “numeric” part of the symbol number in these cases.

Exception: Do not recommend postponement if the unredacted information in the document *unambiguously* identifies the informant. In this case, we point the case out to the FBI, request that they provide evidence on the informant, and evaluate the evidence as if the record directly named the informant. *See* Part II.D.2 above. Deciding whether this exception applies can be one of the trickiest aspects of reviewing FBI postponements. If you think this

exception may apply to a record you are working on, please talk with me about it before asking the FBI to give additional evidence.

b. Where the FBI Seeks Postponement of MORE THAN the “Numeric” Part of the Symbol Number and the “Case Number” Part of the Informant File Number

Analyze the postponements for the “numeric” part of the symbol number and the “case number” part of the informant file number as described in subpart a. above. Recommend postponing the additional information only where, and under the same terms as, you would protect the name and specifically-identifying information of an informant under Part II.D.2 above. Even where you are recommending protection of such information, try to keep the redactions to a minimum and recommend releasing the rest.

III. FOREIGN COUNTERINTELLIGENCE POSTPONEMENTS

The guidance for this type of postponement is less developed than for informant postponements. I am also somewhat constrained by the desire to keep this outline unclassified.

A. Counterintelligence Against the Communist Bloc

General Rule: Recommend routine release of all information, but recommend routine postponement for (entire) classified symbol numbers of technical (non-human) sources with release date 10/2017, substitute language “source symbol number.”

Exception: It may be appropriate to recommend postponements to protect the identities of human sources (“foreign counterintelligence assets”). Because there may be unusual problems of proof, the general guidelines for analyzing postponement informants may not straightforwardly apply. Please consult with me in these cases, which ordinarily will be coded nonroutine.

Exception: If there is anything in the record you are analyzing or in the FBI’s evidence suggesting that the information at issue is especially sensitive for any other reason, please consult with me.

B. Other Counterintelligence Activities

These are nonroutine, case-by-case determinations, where the Board has sometimes sustained redactions designed to protect the nature and/or the target of the activity. Please consult with me.

C. Classified File Numbers

These are routine releases, except where the FBI's justification identifies something especially sensitive about the file in question (*e.g.*, a file for top-secret information obtained from NSA), in which case a nonroutine recommendation for postponement with release date 2017 may be appropriate. If you think you may have a nonroutine case, please consult with me.

D. Effect of High Public Interest

If postponed information is particularly significant to understanding the assassination, it may be appropriate to recommend release even if, under otherwise applicable guidelines, you might recommend postponement. If especially high public interest is the basis for recommending release, code the release as nonroutine.

IV. PRIVACY POSTPONEMENTS

We have had relatively few of these in FBI records; I believe they should all be coded nonroutine. Recommend postponement only where the person affected is adequately shown to be still living and the intrusion on privacy would truly be substantial.