

MEMORANDUM

March 21, 1997

To: David Marwell
cc: Jeremy Gunn

From: Phil Golrick

Subject: Criteria for Review of FBI Postponements in “HSCA Subjects”

You have asked me to suggest, in summary form, criteria for reviewing postponements in the FBI records that constitute the “HSCA subjects.”¹

As we have discussed with the Review Board members and the FBI, it is the staff’s judgment that, even on the assumption that our operations are extended through Fiscal Year 1998, the ARRB cannot hope to complete review of postponements in the HSCA subjects under our current methods of review. In particular, a modification of current postponement standards is necessary to finish the job. Otherwise, the ARRB will cease operations without having reviewed claimed postponements in tens of thousands of pages of FBI records.

The existing “NBR” guidelines will allow us to remove from further consideration those records or files that truly have no apparent relevance to the assassination. However, most of the HSCA subjects contain records that shed at least some light on issues that the HSCA explored as potentially relevant to the assassination of President Kennedy. For these records, the “NBR” guidelines provide a blunt tool and a potentially draconian result (withholding records in full).

Accordingly, I suggest applying something like the following criteria to the majority of postponements in the HSCA subjects where the *redacted information* does not meaningfully contribute to the understanding of the assassination of President Kennedy, although the *record*, as a whole, bears to some extent on an assassination-related issue.

¹Similar criteria may be appropriate for other FBI records within the scope of the JFK Act (e.g., records from “non-core” files that the FBI provided to the Church Committee and has identified as responsive to the JFK Act; some of the additional records that the ARRB staff has identified for processing under the JFK Act).

Informant Postponements

Informant issues represent the largest category of postponements in the HSCA subjects, as they do in the “core” FBI assassination files. They also provide the greatest opportunity for streamlining the review process. Currently, there are ten members of the Bureau’s JFK Task Force² tasked with researching individual informants in response to evidence requests from the ARRB. They retrieve and review the informants’ files and attempt, through DMV, Social Security, and other database searches, to determine if the informant is alive. Under current ARRB standards for “core” files, this work is necessary to provide evidence to support redacting the informant’s name, *regardless* of whether the informant provided information. Removing the requirement of proving whether informants are alive would free up significant resources that could be deployed to reviewing unprocessed HSCA subjects.

The proposed approach to HSCA subjects is to protect informant-identifying information, without requiring a showing that the informant is alive. This protection would extend to individuals characterized as symbol-number informants, “PSIs,” “PCIs,” “established sources,” “panel sources,” and the like -- designations which indicate an ongoing relationship with the FBI. It would not extend to individuals who requested that their identity be protected in an isolated contact with the FBI or to local and state law enforcement officers.

The “informant-identifying information” to be protected would include the customary (*i.e.*, informant-specific) portions of informant symbol numbers and file numbers, informant names, and -- at least potentially -- descriptions of, and information received from, the informant. How much, if any, of the latter type of information should be redacted would be the principal focus of our staff-level discussions with the FBI. The staff’s principal goal in this process, with regard to each informant, would be to release as much information that is relevant to understanding the assassination as possible. In “negotiations” with the FBI, the staff would be prepared, if necessary, to concede redaction of informant-identifying information that is unrelated to the assassination in order to ensure that more pertinent information is released.³

²Six work full-time on informant evidence, four devote about half their time to informant evidence.

³In HSCA subjects, there typically will not be information about Ruby, Oswald or the assassination itself. However, in a file on, for example, Sam Giancana, there may be informant reports on Giancana’s support of anti-Castro activities, and reports from the same informant on day-to-day numbers operations in the Chicago area. The staff would set a higher priority on release of the former reports than on the latter.

“Foreign Counterintelligence” Postponements

It is my preliminary sense that the FBI will, at least partially, carry over its post-appeal standards for disclosing “FCI” activities targeting Communist-bloc nations. To the extent that the HSCA subjects reflect “FCI” activities against other nations that have not been addressed by the Review Board in the “core” files, I would propose that the staff allow the FBI to redact direct discussion of such activities, unless the information in the proposed redaction meaningfully contributes to the understanding of the assassination.

Foreign Liaison Postponements

The proposed criteria for these postponements would not, in the abstract, depart significantly from the Review Board’s current approach of releasing information received through liaison channels, while protecting direct acknowledgment of the source of the information. In practice, however, the staff would be more flexible in protecting text that implies, although may not unambiguously state, that a foreign government is the source of particular information. The less significant the information is to any assassination-related issue, the more the staff should be prepared to protect in the course of “negotiations.”