

February 6, 1995

DRAFT OUTLINE -- PRIVACY ISSUES

I. Overarching Question: Should the burden of proof be shifted, on the theory that, with respect to postponements under Section 6(3), originating agencies have little or no incentive to devote resources to providing "clear and convincing evidence" that the requirements for postponement are met?

II. Possible factors to weigh in applying Section 6(3)

A. Did the person whose privacy arguably may be invaded play a meaningful role in events leading up to, or in investigations of, the assassination?

B. Is the person in question simply a private citizen, or a public official or public figure?

C. Does the material in question contain scurrilous or especially embarrassing allegations, or is it relatively unremarkable information of a type that is ordinarily kept confidential? If the former, do the allegations concern criminal, or purely private, conduct?

D. How reliable does the information appear?

III. Some examples

A. The Dallas physician allegedly involved in criminal conduct. See Record 124-10075-10285; FBI Dallas 44-1639-1415, 1415A.

B. The allegedly corrupt Portland police officer. See Record 124-10076-10045, -10076; FBI HQ 44-24016-1059, -1061.

C. The compromising photograph and possible threat of blackmail by a public official. See Record 124-10235-10155; FBI Dallas 89-43-8261.

D. Hypothetical: Mention of a photograph, similar to the one in C, about the Portland police officer in B.

E. The school records of Sam Giancana's son-in-law, who is not involved in criminal activities.

F. The psychiatric history of the witness allegedly on the bus to Mexico City with Oswald.

G. Morals charge against an unrelated citizen named "Oswald." See Record 124-10263-10071; FBI New Orleans 89-69-932.

H. Details of SA Hosty's weight problem.

I. Details of the health problems of SA Hosty's son.

J. Allegations of abusive behavior on the part of the public official in C.

K. Hypothetical: Sylvia Odio's school records.

L. Hypothetical: Details of weight problems of the Portland police officer mentioned in B.

M. Hypothetical: Allegation that the witness on the bus to Mexico City cheated on his taxes.