

Golrick talking points, informant issue, 9/21/95 Board meeting

### Mosaic Theory

Will “public disclosure of the assassination record . . . compromise the existence of an understanding of confidentiality?” Note: the three contested records do not reveal the names of informants -- the informants are designated by symbol number.

To accept that these records will compromise the confidential relationships with these informants, you must accept that the “mosaic theory” applies. The FBI has not made any showing on this point beyond what the documents themselves indicate. (Show first two documents.) The FBI hasn’t told us where else these symbol numbers appear in assassination records or where else they have been publicly released. (Show third document.) As to this document, the staff on its own located a second contact with this informant that followed up on the same allegations, but in our view it doesn’t particularly increase the likelihood that the true identity of this informant would be compromised by the mosaic theory.

### Current Need to Protect/Harm Outweighing Public Interest in Disclosure

If the Review Board agrees that the confidential relationships with these informants would be compromised via the mosaic theory, it must reach these questions. On these points, the FBI reiterates its general, institutional concerns (*e.g.*, chilling cooperation from prospective informants), and provides new information regarding these particular informants. The new information is:

- (a) three of these four informants are alive;
- (b) when contacted by the FBI, the informants or surviving family members stated a preference that their informant status not be publicized, for reasons ranging from avoiding annoyance or embarrassment to a reported fear of physical harm to family members.

In one sense, the FBI has demonstrated what was already obvious: informants prefer that their informant status not be publicized. The FBI has not provided any evidence, beyond its characterizations of what the informants said when contacted, to quantify or qualify the asserted risk of harm. The staff has told the FBI that evidence from informant files showing, for example, that the informant reported on violent crimes would be useful to establish a risk of harm from disclosure. No such evidence has been given.

And it may bear repeating that there is *no* risk of harm, *unless* someone successfully “mosaics” the informant’s identity.

Burden: Over 300 man-hours, diversion from “drug task force”

It is clear to the staff that the FBI deliberately inflated this effort to buttress its “burden” argument for categorical protection of informants.

Examples:

-- FBI has told staff that it devoted substantial efforts (included in the 300+ calculation) to its unsuccessful efforts to chase down third-generation descendants of the informant they eventually agreed to release. The FBI knew -- because we told them -- that this informant has been dead for many years, but they went off on this wild goose chase anyway. Neither the Review Board, nor the White House, nor even the JFK Act required this waste -- it is the result solely of the FBI's refusal to admit that some informant relationships don't merit protection under the Act.

-- In our papers on appeal, we conceded that the FBI had promised confidentiality to these informants. But much of their efforts have been directed at proving this point. (Even here, there is less to their submission than meets the eye -- for example, they rely on an informant's recollection to prove the existence and terms of an asserted written agreement of confidentiality, but don't produce the writing itself from FBI files.)

Jeremy will outline options Board may wish to consider.