

November 13, 1995

DELIVERY BY HAND

John Hartingh  
Inspector-in-Charge  
Federal Bureau of Investigation  
Washington, D.C. 20535

Dear John:

On October 24, 1995, the Review Board voted to open in full several FBI records regarding which the Bureau had supplied no evidence of any current need to protect the names of the persons identified. Following notification to the Bureau regarding its decisions, we were informed that the Bureau would now like to present evidence relating to individuals identified in records 124-10027-10000 (and duplicates) and 124-10020-10093. It is our understanding that research that you initiated subsequent to the Board's decision has resulted in your obtaining some evidence regarding these individuals that you would now like to present to the Board during its November 13-14 meeting.

The Review Board is willing to give the Bureau an additional opportunity to provide evidence regarding the individuals in question. With respect to the first document, the Board would like you to state clearly the statutory basis for your postponement and to provide the necessary evidence to the Board by tomorrow. Please contact my staff to arrange for a time for this evidence to be provided. With respect to the second document, the Board has voted to remove the document from the list of documents to be opened and will provide the Bureau with additional time to present evidence.

In agreeing to provide the Bureau with this additional opportunity, however, the Board would like to make two important points.

First, the Review Board genuinely wishes to protect those informants whose identities currently require protection. The Board does not wish that any significant harm should befall an informant by the release of information in assassination records.

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Second, it is the Board's firm belief that the information that you now wish to convey should have been delivered to the Board before it made its initial decision in October. The Bureau had been given almost three months' notice that the records in question would be on the Board's agenda and it has been clear since August that the White House, as well as the Board, takes seriously the statutory requirement that presumes disclosure of assassination records. In order to comply with this statutory presumption and to allow the Board to complete its task efficiently, the Bureau should presume that the records will be open unless it provides specific evidence *prior* to the Board's decision.

We look forward to receiving your evidence on the two informants in question and to receiving your evidence on forthcoming documents in a timely manner.

Sincerely yours,

David G. Marwell  
Executive Director

cc: Howard Shapiro  
General Counsel