

Mr. David G. Marwell

details the facts relating to records already processed under the Freedom of Information and Privacy Acts (FOIPA) and the commitment of the FBI to provide the records to the public.

FBI CORE FILES AND ASSASSINATION RELATED FILES

Enclosure C contains the list of subjects and a summary of the files collected and identified in 1992 as the John F. Kennedy (JFK) Assassination Core Files and Related Files as prepared for Director Sessions' statement. The summary was presented to Congress as an explanation of the pages processed under the FOIPA and available to the public in the FBIHQ's FOIPA Reading Room. Research about how the universe of files known as "Core and Related," were grouped and titled did not produce a precise definition. A review of tickler notes related to the FOIPA requests suggests that the group of files identified as "Core" was collected to respond to FOIPA requests received in 1976 for files on the assassination. The group of files known as "Related" seemed to have been established due to additional FOIPA requests and appeals for files associated with the assassination. The John F. Kennedy Task Force (JFKTF) could not find any documentation when the term of "Core and Related" was initiated.

FBI RECORDS SYSTEM

The FBI currently maintains seventeen record systems. The Privacy Act requires that every type of record system used by a government agency be disclosed to the public. The following is the list of records explained in the Federal Register (Enclosure D).

001. The National Crime Information Center (NCIC).
002. Central Records System (CRS).
003. The Bureau Mailing Lists.
004. Routine Correspondence Handled by Preprinted Form.
005. Routine Correspondence Prepared Without File Yellow.
006. Electronic Surveillance Indices (ELSUR).
007. The FBI Automated Payroll System.
008. The Bureau Personnel Management System (BPMS).
009. The Fingerprint Identification Records System (FIRS).
010. Employee Travel Vouchers and Individual Earning Records.
011. Employee Health Records.
012. Time Utilization Record-Keeping System (TURK).
013. Security Access Control System (SACS).
014. FBI Alcoholism Program.
015. National Center for the Analysis of Violent Crime (NCAVC).
016. FBI Counterdrug Information Indices System (CIIS).
017. National DNA Index System (NDIS).

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Ten of the above record systems do not concern the investigative area. The five record systems of an investigative nature, but not relevant to the assassination, are 001(NCIC), 009 (FIRS), 015 (NCAVC), 016 (CIIS), and 017 (NDIS). Information from these records systems is retrievable through index searches of each respective system. The JFKTF did not search the indices of these systems, since they were not applicable at the time of the assassination or the related investigations. In addition, record systems 003 through 005, 007, 008, and 010 through 014 were not relevant to the Act since they are internal FBI systems such as the payroll, the handling of Bureau mail, health records, and other noninvestigative administrative matters involving Bureau employees. The two systems of records relevant to the Act and searched by the FBI were 002 Central Records' System (CRS) and 006 Electronic Surveillance Indices (ELSUR).

The following information will explain the FBI's system of recording, filing, and retrieving documents at the FBI. The FBI's primary records repository is its CRS, which was automated beginning in 1978. The old manual card index of the CRS was maintained, since the automation did not encompass all of the old records. The FBI maintains the CRS for its investigative, personnel, applicant, administrative, and general files. Although the FBI has other record systems as explained above, the CRS is the primary and most important system for retrieving assassination related records. It consists of a numerical sequence index of subject matter files and an alphabetical index to these files called the general index.

The FBI's filing system follows a numbering method used to show (1) the classification or type of investigative violation or administrative area involved, (2) the individual case file within the category, and (3) the serialization of individual documents commonly called, pieces of mail, in the file. Once a violation defines the classification, then the case portion of the file number is assigned by subject. For instance, the number 91-200-20 on a piece of mail says it is the 20th piece of mail in the 200th case file assigned to the bank robbery 91 classification. This example would not be correct for the newest segment of files in the automated indices, the Universal Case File (UCF) which was established in November 1991. However, the FBI's JFK collection of files and documents known at this point do not fall within the UCF system.

Each classification maintains a zero (0) and a double zero (00) file. The 0 and 00 files are "general files" and precede the first case file in each classification. The 0 file is used for complaints and miscellaneous nonspecific data relating to the classification that does not warrant establishing a separate case file. The 00 file is used for collecting, in one place, policies and procedures that refer to the particular classification or violation category. The FBI files each document concerning policy and procedure serially in the 00 file of the appropriate classification. Therefore, every time a change in policy, procedure, instruction, or guideline occurs; it is documented in this category, with the information being placed in the 00 file.

The FBI's indexing of the CRS general indices falls into two separate categories, "Main" and "Cross" references. A Main index reference carries the name of an individual, organization, activity, or the like which is the primary subject of the file maintained in the

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system. All the documents created for a subject involving a particular violation will be filed in that particular subject's main file. A Cross index reference contains only a mention or reference to a particular individual, organization, activity, or the like found in the body of a document in a file on another main subject. The case agent or records specialist indexes the cross reference, so the information can be found later when it may be significant.

The FBI also maintains the ELSUR Index that contains the names of persons whose voices have been monitored through an FBI microphone installation or a telephone surveillance. This index consists of three categories of information: Principals (Targets) of an electronic surveillance; Proprietary Interests; and Overhears. The FBI initiated the ELSUR index at the recommendation of the Department of Justice. The index covers the electronic surveillance sought by or conducted by the FBI since January 1, 1960. This index was automated in October 1991. Unlike the CRS, the FBI automated the entire indices, so only one search is necessary.

For the FBI to ensure that all the documents mandated by the Act were found, the JFKTF requested those specifically trained in the record systems to conduct searches of both the automated and manual CRS indices and the automated ELSUR index. The search included all the core and related subjects as defined in Enclosure C. The searches were conducted at FBIHQ and in the Field and Legat Offices. The FBI record specialists assigned to this task employed the normal procedures for searching all the relevant indices to respond to the Act. Their appropriate supervisors approved the work.

The House Select Committee on Assassination (HSCA) was a Congressional Committee established to review possible theories of the assassinations concerning President John F. Kennedy and the Reverend Martin Luther King. The JFKTF identified the universe of files known as the "HSCA Files" by reviewing the HSCA request letters, the FBI response letters, administrative folders and copies of the files shown to the HSCA staff. The copies of the HSCA files and folders were segregated at the end of the Committee's investigation due to an agreement with the Committee. The JFKTF identified the HSCA Field Office ELSUR documents concerning the requested subjects by using the same records previously mentioned.

Concerning the Board's requests involving "JUNE MAIL," "Do Not File" memoranda, "informant files," "personnel files" and "COINTELPRO activities," the information in those categories, if maintained as records, are indexed and filed in the CRS. Therefore, the universe of assassination records searched for and collected would include any documents with the above notations. At FBIHQ, sensitive records requiring restricted access are maintained in the Special File Room (SFR) which is a repository for sensitive records. In the Field Offices the sensitive documents are also maintained in special areas, such as the SAC's Safe. All assassination related records that the FBI maintains in the secure areas are also retrievable through the systems searched. The FBI used these systems to search all areas for indexed and retrievable records.

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FBI RECORDS STORAGE FACILITIES

For storage of records outside FBI space, the FBI Headquarters uses two off-site facilities. One location is Pickett Street in Alexandria, Virginia. This facility contains most of the FBI's closed files that were previously housed at FBIHQ at 10th and Pennsylvania Avenue, Washington, D.C. The other off-site facility is in Boyers, Pennsylvania. This location houses FBI Legat information. The Legat information at Boyers, is also on "Microfilm" at FBIHQ. The only additional records maintained at the Boyer's location consist of National Lawyers Guild files that are "Court Sealed" records. The Boyers, Pennsylvania records' storage area is rented by the FBI from the National Underground Storage Company.

In addition, the field offices have three official off site storage facilities. These facilities are located at Butte, Montana; Pocatello, Idaho; and San Juan, Puerto Rico. All three locations have archival disposition offices to decide the handling of closed files, but all decisions are forwarded to FBIHQ's archival office for final approval. All FBI Field Offices and FBI Legats send information requiring "record-keeping" to FBIHQ.

FBI RELEASES TO NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Enclosure E depicts all releases made to NARA from the first release on December 13, 1993, to the 16th release on December 20, 1996. A special note is made that the total number of pages since 1992 has expanded from 236,000 pages to more than 666,000 pages made available to the public. This includes the re-processing of all core and related files according to the Act. The FBI has developed a plan with the Board's staff to streamline this process. The change will cause an initial delay for the next release, but eventually the releases will occur more often and with fewer postponements.

FBI RESPONSES TO SPECIFIC REQUESTS

Throughout the process of responding to the Board's specific numbered requests the JFKTF staff is in frequent contact with employees of the Board. The Board has also requested information from our records concerning other areas that may have some relation to the assassination. The memoranda from the Board to the FBI indicate that the FBI has addressed both written and oral requests from the Board. Where there are no specific written responses from the FBI to the Board, the FBI either handled these responses orally with members of the staff or is in the process of responding. The JFKTF prepared an inventory of the requests and status of responses and shared this information with the Board. However, the responses to the numbered letter requests will be documented later.

SECRET

(Sib
complete)

From the Desk of [REDACTED]

NOTE FOR: [REDACTED] @ DO
[REDACTED] @ DO
FROM: [REDACTED]
DATE: 12/10/96 11:42:33
SUBJECT: Trace Request: Mikhail Ivanovich Samarin

CL BY: 2151521
CL REASON: 1.5(a)
DECL ON: X1
DRV FROM: HUM 1-82

The Directorate of Operations surfaced no additional information to that already known to the FBI.
Mikhail Ivanovich Samarin died (approximately) 06 June 1966.

Any questions concerning this request please call me on 43840. Thanks, Michele.

CC: [REDACTED] @ DO

Per phone call to FBI (D.B.)
11 Dec 96 —

[Signature]

No Objection
to Release!

SECRET

CONFIDENTIAL

NOTE FOR: [REDACTED] @ DO
FROM: Fredrick C. Wickham
DATE: 12/03/96 17:29:27
SUBJECT: name trace

CL BY: 524343
CL REASON: 1.5(c)
DECL ON: X1
DRV FROM: COV 1-82

I need a trace for the JFK folks of Mikhail Ivanovich Samarin. He was a Soviet defector born in Moscow Jan 21, 1908 and defected in 1948. Worked at Army Language Facility until 1951? The request came from the FBI and they want to know if he is alive and if we care if his name is released. I don't know what more we know about him if anything to answer the question. He did become ill in 1951 and was put inot a sanitarium so I doubt he is alive but? If you find anything pertinent you can send it to [REDACTED] and [REDACTED] if I'm not here tomorrow. Thanks.

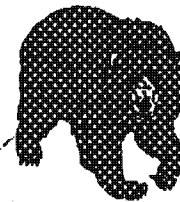
CC: Kenneth R. Johnson @ DO, [REDACTED] @ DO [REDACTED] @ DO

CONFIDENTIAL



Office of the Legal Attache
American Embassy
Bern, Switzerland

Fax No. 41/31/357-73-68
(International)
031/357-73-68 (Domestic)
Telephone Number: 031/357-73-40



Page 1 of 2 pages

Date: 20 September 1995

TO: FBIHQ
FAX NUMBER: 001-202-324-2299
ATTN: SC John Hartingh
FROM: LEGAL ATTACHE, BERN
ORIGINATOR: Regina Superneau
SUBJECT: JFK Assassination Review Board

OUR REF:

COMMENTS/MESSAGE: Here is a copy given to me by Polt of the statement of the DOS's position which was presented to Swiss yesterday.

Let me know if you have any thoughts on this.

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF CIA INFORMATION
IN THIS DOCUMENT

ASSASSINATION RECORDS

-- CONGRESS CREATED THE ASSASSINATION RECORDS REVIEW BOARD AND THE PRESIDENT APPOINTED ITS MEMBERS IN RESPONSE TO WIDESPREAD PUBLIC INTEREST IN THE FACTS SURROUNDING THE KENNEDY ASSASSINATION

-- THE PRESIDENT JOHN F. KENNEDY ASSASSINATION ACT OF 1992 MANDATES THAT ALL GOVERNMENT RECORDS RELATED TO THE ASSASSINATION, TO THE GREATEST EXTENT POSSIBLE, SHOULD BE MADE AVAILABLE TO THE AMERICAN PUBLIC.

-- WE SUPPORT THE BOARD AND ARE GIVING IT OUR FULL COOPERATION IN ITS EFFORTS TO CARRY OUT ITS MANDATE.

-- IN THIS SPIRIT, WE ASK YOUR COOPERATION IN MAKING ALL RELEVANT DOCUMENTARY MATERIAL AVAILABLE TO THE PUBLIC.

-- FROM THE U.S. PERSPECTIVE, WE SEE NO REASON FOR THE CONTINUED CLASSIFICATION OF THE MATERIAL THE BOARD HAS REQUESTED.

FBIMTG#1.TXT

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RELEASE IN FULL

Notes from meeting with FBI

2000

Assassination Review Board staffer for FBI - Phil Goldrick

Grant's Secure Fax: 202-324-3326

Grant wants copy of released 1967 IG Report for his reviewers

Names of FBI contact reviewers: Carl Valentine
Mike McCaffrey
Bob Lill (?)
Dick Busching

Re issue with Board over protection of sources/informates:
"Protection forever"/not sure how board with respond

Re privacy: Board is supportive of protecting privacy of individuals
not directly involved in assassination story (especially those
whose roles were incidental or circumstantial)

Re data base issues: Does not currently have capability to search
JFK database -- will have once new hard drive installed;
Does not see an FOIA problem; reminded me that they are not
keeping their collection -- everything to NARA

1 cc For BAKER, & GARY

JOHN P. HAS ORIGINAL

FBI INFORMANT/CONFIDENTIALITY POSTPONEMENTSINTRODUCTION

This document will address the postponement practices of the FBI relating to informants and others with whom the FBI has a confidential relationship (informant/confidentiality postponements) in documents being transferred to the National Archives and Records Administration (NARA) under the "President John F. Kennedy Assassination Records Collection Act of 1992" (the Act). To provide a basis for the formulation of these practices, their description will be preceded by a discussion of the classes of persons protected by an understanding of confidentiality, as well as the development, operation, protection, and investigative significance of such persons. Other determinations underlying these practices will also be addressed. The information contained in this document is based not only on the experience of the FBI and law enforcement and intelligence communities in general, but on the personal investigative experiences of some of the contributors to it.

CLASSES OF CONFIDENTIAL RELATIONSHIPS

The FBI maintains a confidential relationship with several types of persons. They include:

1. Criminal Informants who provide information regarding criminal activity, including organized crime, white collar crime, violent crime, drug trafficking, and, today, domestic terrorism. All such individuals are now assigned identifying symbol numbers (to be described hereafter) to protect their identities in documents containing information they have provided. However, before and at the time of the Assassination, and for some years thereafter, the names of the persons under development as informants (Potential Criminal Informants or PCIs) were reflected in documents until their reliability could be established and they were converted to Criminal Informant (CI) status. Upon conversion to CI status the informant was assigned an identifying symbol number for protection.

There are a number of subgroups within the criminal informant program. While some CIs are considered general criminal informants, others are categorized according to the specialized area in which they provide information. These would include, for example, Organized Crime (OC) informants, who provide information primarily regarding subjects involved in organized crime activity, and Top Echelon informants (TE), who provide information regarding the highest levels of organized crime.

From the time a person comes under development as an informant (in previous years as a PCI), he or she is made the subject of an individual file. This file contains information

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provided by the person, as well as administrative and background data regarding the source.

2. National Security Informants who today provide foreign counterintelligence and international terrorism information, and, in years past, also included those informants who provided information regarding domestic security/terrorism. Such informants are now referred to as assets, but at the time of the Assassination and for some years thereafter were labelled Security Informants (SIs). Like criminal informants, assets are provided identifying symbol numbers for protection, as were SIs before them. Persons under development as SIs were considered Potential Security Informants (PSIs) and, as with PCIs, their true identities were reflected in documents until they were converted to symbol-number status.

The FBI operates various types of National Security assets. They include:

Double Agents. A double agent is one who receives assignments from, cooperates with, and/or performs tasks for a foreign intelligence service on a clandestine basis but who, in actuality, operates in this capacity under the control of the U.S. Government.

Defector Sources. A defector source is an individual who possesses intelligence information of value and has either openly or without announcement left the employment of his or her country and is furnishing information to the U.S. Government.

Recruitments in Place (RIP). A RIP is an individual from a foreign country who covertly provides information of intelligence value to the U.S. Government while outwardly maintaining allegiance to his or her own government.

While under development as PSIs, SIs (like PCIs) were made the subject of individual files which contain information provided as well as administrative data and background information. Today, an individual becomes the subject of a file at the outset of his or her development as an asset.

3. It should be noted that in recent years the FBI has designated Cooperating Witnesses (CWs) as constituting another class of source. A CW is defined as an individual whose relationship with the Government is concealed until testimony is required at trial and who, on a continuing basis and under the direction of an Agent, contributes substantial operational assistance to the resolution and/or direction of a case through active participation in the investigation. CWs are unlike informants, who gather intelligence and will not testify. Although CWs are aware from the outset that it is likely that they may be required to publicly admit their cooperation with law

enforcement, the FBI has taken the position that, in the absence of public testimony, the relationship with a CW is similar to the relationship with any other source. That is to say, if for any reason the CW is never publicly exposed in trial, the relationship remains confidential. In addition, the intelligence, as opposed to operational assistance, furnished by a CW also is protected, along with the confidential relationship as it relates to such information.

4. Sources given expressed promises of confidentiality in connection with the information they provided in the course of criminal, counterintelligence, and background investigations. Oftentimes, when associates or neighbors, as well as persons in businesses, public utilities, government agencies, and elsewhere are contacted in the course of an investigation, they agree to provide information only if they are assured that their identities will be protected under a promise of confidentiality. Where such a promise is given, documents containing such information will contain the name of the person providing the information as well as language specifically setting forth the fact that confidentiality was requested. No file is opened on such persons and no symbol numbers are assigned to protect their identities. Furthermore, unlike informants, little background information other than an address or perhaps the name of an employer is set forth for these sources in FBI files.

5. Persons providing information requiring that confidentiality be afforded its source. In certain instances in the past (to include the time of the Assassination), the FBI received information from persons in financial institutions, public utilities, and other similar entities that would not have been publicly available. In fact, today, a subpoena would be required to obtain bank records, telephone toll records, and other like materials provided by such persons. These persons generally provided such information on a regular basis. Regardless of the frequency with which they provided information, they would have done so only with the understanding that they were doing so on a confidential basis, even where that understanding is not specifically articulated in FBI documents. Additionally, much of the information necessary for the FBI to successfully carry out its investigative function comes from private citizens that are either approached by the FBI for questioning or who voluntarily come forward. Before the passage of provisions of the Freedom of Information/Privacy Act in the mid-1970s allowing access to FBI investigative files, it can be stated with virtual certainty that no person providing such information would have anticipated his or her cooperation ever being made public. In fact, prior to the passage of the Privacy Act of 1974, all FBI investigative information, including that obtained from informants and sources, was confidential by Department of Justice Order. After passage of the Privacy Act, an expressed grant of confidentiality was required in order to

to balance the risk of harm to the person or to the informant program in these judgement calls. (see Tab 6)

5. The most difficult category of sources to deal with is that of persons providing information to the FBI without a specific request for confidentiality. In the attempt to release as much material as possible, the identities of most of these sources were released, but, once again, the FBI has attempted to balance the need to maximize released information with the potential harm to the individual source. (see Tab 7)

6. The "Mosaic Theory" is of particular importance with regard to the transfer of FBI files to NARA under the terms of the Act. The FBI has maximized the release of information maintained in the Assassination files in order to comply with both the letter and the spirit of the Act, and this has resulted in an unprecedented amount of informant information being made available to the public. However, the FBI has postponed informant symbol numbers wherever that informant is providing positive information, under the terms of the Act which allow for the postponement of the identity of informants. The release of these symbol numbers, in combination with the information already released, could very well lead to the identification of a number of FBI informants.

The FBI is currently reviewing for transfer the material which was provided to the HSCA in 1978. With respect to the HSCA files, the Task Force has been more protective of all types of sources, but particularly organized crime and national security informants, due to the real danger of retaliation against them, even after these many years. The informants and other sources utilized in these investigations were specifically targeted against subjects of investigative interest, and it is not readily apparent how they might figure in a conspiracy to assassinate JFK. Anticipating the opportunity to discuss these concerns with the ARRB, the balancing test for the HSCA files, at the present, has been necessarily weighted in favor of postponement of any information which might tend to identify a source. Of course, if any information is located in these files which bears, even indirectly, on the assassination, that information will be considered under the most liberal light possible.

BASIS FOR INFORMANT/CONFIDENTIALITY POSTPONEMENT PRACTICES

Again, the FBI has attempted to postpone the release of information only where there are compelling reasons to do so. There are no more compelling reasons for postponement than those underlying the protection being given informants and others with whom the FBI has confidential relationships. The rationale for postponement in this area is clear from the discussion of

informants, assets, and other confidential sources set forth above.

The privilege available to the government to withhold the identity of persons who furnish information to officers charged with law enforcement is well established in the law. The rationale for the informant privilege has been explained as follows:

[I]t has been the experience of law enforcement officers that the prospective informer will usually condition his cooperation on an assurance of anonymity, fearing that if disclosure is made, physical harm or other undesirable consequences may be visited upon him or his family. By withholding the identity of the informer, the government profits in that the continued value of informants placed in strategic positions is protected, and other persons are encouraged to participate in the administration of justice.

United States v. Tucker, 380 F.2d 206, 213 (2d Cir. 1967); accord In re United States, 565 F.2d 19 (2d Cir. 1977), cert. denied sub nom, Bell v. Socialist Workers Party, 436 U.S. 962 (1978)

To reduce the length of the body of this document, further discussion of the privilege is not set forth here but is contained in the appendices. (see Tab 8)

The FBI and the Department of Justice have gone to great lengths in the past to protect the identity of informants. Prosecutions have been dropped rather than divulge an informant identity, a former Attorney General (Griffin Bell) risked being held in contempt of court rather than identify informants in a civil suit, and the FBI has often had to weather the protestations of other agencies which were given information derived from sources but which, despite their considerable insistence, were not informed of the identity of these sources.

The FBI believes that its informant/confidentiality practices are consistent with the postponement provisions of the Act. The practice is clearly consistent with the language of Section 6 (subsection 4) of the Act that permits the postponement of relationships currently requiring protection when public disclosure would be so harmful that it outweighs the public interest. That is because unless a confidential relationship has already been disclosed, and regardless of whether the source is active or even still living, the relationship must remain confidential for the protection of the source and/or his or her family, as well as to sustain the viability of the FBI's source development efforts.

Again considering the balancing test under which an agency must show that the need to protect certain information

through postponement outweighs the public interest in the information proposed for postponement, the FBI believes there can be little or no historical interest in the identity of someone who did not provide positive information, a situation that occurs frequently in the "core" files. At the same time, the damage to individuals and the FBI's source development efforts resulting from disclosure would be great.

Where there is positive information attributed to a source whose identity is being postponed, the result of applying the balancing test is virtually the same as that where the contact was negative. The information provided by the source, which is being disclosed, is of significantly greater public interest than the source's identity, which is being postponed. Disclosure of the source's identity accomplishes little in terms of satisfying the public interest when compared, again, to the potential harm to the source and/or his or her family, as well as the FBI's source development capabilities. In a number of instances, the source of positive information is referred to not by name, but by symbol number. There would appear to be little if any public interest in such an identifier except, perhaps, on the part of persons attempting to apply the Mosaic approach simply to determine the identities of informants or assets.

While the FBI does not directly rely on those grounds for postponement centered on the unwarranted invasion of personal privacy in regard to informant/confidentiality postponements, such privacy concerns are also a part of the FBI's rationale for its informant/confidentiality practices. Exposing a source and/or his or her family to any of the various forms of retaliation that might result from a disclosure of the source's identity would constitute, at the very least, an unwarranted invasion of personal privacy.

CONCLUSION

Criminal informants and National Security informants (assets) are, respectively, absolutely indispensable resources in the effort to maintain public safety and to protect the national security. It would not be possible to have effective law enforcement without informants, as well as ordinary citizens, who are willing to provide information on a confidential basis, nor would it be possible to maintain the security of this nation without the cooperation of assets and other sources. In turn, without the ability to honor the obligation to maintain the confidentiality that is central to the relationship that must exist with informants, assets, and other sources, there would be a chilling effect that could irreparably debilitate efforts to obtain the critical assistance needed from such persons if law enforcement and national security missions are to be effectively carried out. Furthermore, the obligation to protect the

confidential relationship with informants and other sources is one that must attach in perpetuity, not just because of the need to protect the source and the source's family as promised, but so that those that might serve as sources in the future are not deterred from doing so because of a justifiable fear of disclosure and the ensuing risk of harm to themselves and their families.

Again, in its effort to maximize disclosure under the Act, the FBI carefully examined every situation in which it contemplated postponement of information and, more especially, any type of information (e.g. the identities of or information tending to identify informants or other confidential sources) that appears widely throughout the JFK documents. In doing so, the FBI made the inescapable determination that it must absolutely protect the identities of informants and others with whom a confidential relationship exists. The FBI believes that doing so is consistent with the postponement provisions of the Act.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

May 14, 1993

HISTORICAL REVIEW GROUP
CENTER FOR THE STUDY OF INTELLIGENCE
CENTRAL INTELLIGENCE AGENCY
336 AMES BUILDING
WASHINGTON, D. C. 20505

ATTENTION: J. BARRY HARRELSON

DEAR BARRY:

ATTACHED ARE SEPARATE INVENTORY SHEETS REFLECTING
INCOMING AND OUTGOING CIA DOCUMENTS FOR EACH FILE THAT HAVE BEEN
INVENTORIED INTO OUR COMPUTER.

IF YOU NEED VERIFICATION OF ANY OF THE ENTRIES, LET ME
KNOW.

THANKS,

A handwritten signature in cursive script, appearing to read "Judy", is written over the typed name.

JUDY BOWEN
JFK TASK FORCE

ENCLOSURES

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF CIA INFORMATION
IN THIS DOCUMENT

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

Barry cy

5 May 1994

MEMORANDUM FOR: Mrs. Margaret Cook
Team, Captain
Document Classification Unit
FOIA/Privacy Act Section
Federal Bureau of Investigation

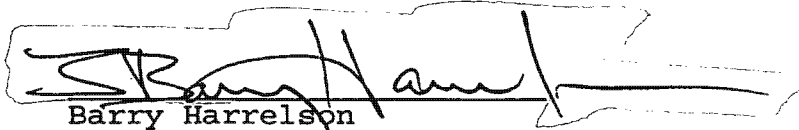
FROM: Mr. Barry Harrelson
Project Leader
Historical Review Group
History Staff
Central Intelligence Agency

SUBJECT: Use of CIA Designator - "CLIP"

1. This is in response to your request for written guidance concerning the proper classification of the Agency's designator - "Clip."

2. We have reviewed this question with the the head of the Directorate of Operations team working with this office on the JFK collection. The advice provided is that the "Clip" may be treated as unclassified in all instances.

3. If you have any further questions in this regard, please call me.


Barry Harrelson

SECRETSib copy

25 June 1993

JFK Assassination File Review

SUBJECT: Review of FBI Materials

1. Crypts to be coordinated with FBI:

FEDORA
SHAMROCK
VIADUCT

If during DO review or redaction review you find these crypts unredacted make a copy for Barry to coordinate with the FBI.

2. Some numbers in the FBI 100 series (100-####) are classified. If a FBI 100 number is referenced on a CIA document it must be coordinated with the FBI. If there is only the number (no substantive information) give number, or a copy of the page the number is on, to Barry; the FBI does not need the full document.

3. The Hede Messing-FBI issue (a Soviet defector in NY used by agency and FBI who is dead) is still pending. Her name and role in the story, and that we have information on her, is releasable [redacted] When she is linked with the FBI continue to coordinate with the FBI.

4. FBI Documents: The process of providing the FBI the first page of their documents for coordination is working fine. When doing a final redaction of a JFK box, make copies of the first page of each FBI document. Note box and folder # on copies and place in an envelope marked FBI. and give to Barry.

Barry

SECRET

CLASSIFICATION: UNCLASOFFICE OF THE LEGAL ATTACHE
AMERICAN EMBASSY
LONDON, ENGLANDSECURE FAX: 171-629-8246
NON-SECURE FAX: 171-499-7944
TELEPHONE: 0171-408-8078

Date: 3/20/96

☐ IMMEDIATE☒ PRIORITY☐ ROUTINE

Number of pages including this page: 3

TO: LEGAL COUNSEL (KENNEDY TASK-FORCE)

File No:

FAX NO: 202-324-5653

ATTN: DEBBIE BEATTY

FROM: LEGAL ATTACHE, LONDON (.)

ORIGINATOR: JOHN E. GUIDO

SUBJECT: JOHN F. KENNEDY ASSASSINATION RECORDS

SPECIAL NOTES/INSTRUCTIONS:

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FOR THE AMBASSADOR FROM ASSISTANT SECRETARY KENNEDY

E.O. 12958: N/A
TAGS: AINF
SUBJECT: JOHN F. KENNEDY ASSASSINATION RECORDS
COLLECTION ACT OF 1992

1. THE ASSASSINATION RECORDS COLLECTION ACT OF 1992 (THE "ACT") WAS SIGNED INTO LAW ON OCTOBER 26, 1992. THE ACT ESTABLISHED A PROCESS FOR IDENTIFYING AND SECURING ALL RECORDS RELATING TO THE ASSASSINATION OF PRESIDENT KENNEDY AND COLLECTING THEM IN THE PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION AT THE NATIONAL ARCHIVES IN COLLEGE PARK, MARYLAND. THE ACT ALSO ESTABLISHED THE ASSASSINATION RECORDS REVIEW BOARD (ARRB) TO COORDINATE AND OVERSEE THE PROCESS. THE DEPARTMENT HAS BEEN WORKING CLOSELY WITH THE ARRB TO ENSURE FULL COMPLIANCE WITH THESE REQUIREMENTS AND OVER A YEAR AGO PRODUCED ITS COLLECTION FOR PUBLIC ACCESS AT THE NATIONAL ARCHIVES.

2. THERE REMAINS, HOWEVER, ONE PROVISION OF THE ACT FOR WHICH THE SECRETARY MUST RELY ON YOUR OFFICES FOR IMPLEMENTATION. THE ACT ENVISIONED AN APPROACH TO FOREIGN GOVERNMENTS FOR ANY RECORDS THEY MIGHT MAINTAIN. SPECIFICALLY, SECTION 10(b)(2) OF THE ACT STATES THAT IT IS THE "SENSE OF CONGRESS THAT THE SECRETARY OF STATE SHOULD CONTACT... ANY FOREIGN GOVERNMENT THAT MAY HOLD INFORMATION RELEVANT TO THE ASSASSINATION AND SEEK DISCLOSURE OF SUCH INFORMATION."

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3. IN ITS CONGRESSIONALLY MANDATED SEARCH FOR ASSASSINATION RECORDS, THE ARRB WISHES TO DETERMINE WHETHER THE BRITISH GOVERNMENT OR LOCAL GOVERNMENT AGENCIES IN GREAT BRITAIN MAINTAIN RECORDS THAT ARE RELATED TO THE ASSASSINATION OF PRESIDENT KENNEDY. THE ARRB NOTES THAT THE ASSASSINATION OF PRESIDENT KENNEDY ATTRACTED THE ATTENTION OF THE WORLD, AND THAT THE RESPONSE OF THE BRITISH GOVERNMENT TO THE EVENT WOULD BE OF INTEREST.

4. ACTION. EMBASSY IS REQUESTED TO APPROACH APPROPRIATE HMG OFFICIALS TO REQUEST COMPREHENSIVE SEARCH OF UKG RECORDS THAT MAY RELATE TO THE ASSASSINATION OF PRESIDENT KENNEDY.

5. WITHOUT BEING AWARE OF THE STRUCTURE AND ORGANIZATION OF POTENTIALLY RELEVANT BRITISH FILES, THE ARRB CANNOT PROVIDE SPECIFIC GUIDANCE ON THE APPROPRIATE STRATEGY FOR ENSURING A COMPREHENSIVE SEARCH. THE ARRB IS WILLING TO PROVIDE ANY ADDITIONAL INFORMATION THAT MAY BE REQUIRED. ANY SEARCH FOR RECORDS SHOULD INCLUDE THE FOLLOWING:

(A) ANY AND ALL DOCUMENTS THAT IDENTIFY AMERICAN REQUESTS TO GREAT BRITAIN FOR INFORMATION ABOUT THE ASSASSINATION AND THE BRITISH RESPONSES TO THOSE REQUESTS.

(B) ANY AND ALL DOCUMENTS, STUDIES, INQUIRIES OR INVESTIGATIONS BY GREAT BRITAIN (INCLUDING MI-5 AND MI-6) OF THE ASSASSINATION.

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Mr. David G. Marwell

The Board sent a letter dated January 22, 1997 documenting a meeting between the FBI and the Board's staff. The letter verified additional important items of interest that the FBI will address in the compliance statement. The FBI is responding to these issues and will document the findings with the numbered letter request response.

FBI DESTRUCTION OF RECORDS

Concerning the FBI's destruction of records, the JFKTF compiled a listing of destroyed material from the Field Office responses to the initial request (Enclosure F). Any material destroyed followed the destruction policy of the FBI, which is explained as follows:

The Destruction of FBI files and records are governed by 44 U.S.C. Sections 3303 and 3303a; 36 CFR Part 1220, the General Records Schedule (GRS); and the FBI Records Retention Plan and Disposition A Schedule (The Plan) developed by NARA and the FBI, which the United States District Court approved, District of Columbia, Washington, D.C., September 9, 1986. The actual reference material pertinent to "The Plan," is contained within two large loose-leaf notebooks, which the Board's staff reviewed.

When the JFKTF originated in 1992, a database was established to inventory all the material for future accountability. As the FBI collected the assassination-related records, the JFKTF entered data concerning all the documents responsive to the Act in this database and later entered the data into the mandated NARA "Identification Aids" program. To date, the JFKTF has not found any documents missing from the original inventories.

FBI FILES ON LOCATE

Enclosure G is a list of all remaining files that are "On Locate." Certain files or serials awaiting processing do remain "On Locate." FBI employees assigned to the Information Resources Division, File Services Unit (FSU), are tasked with finding files that are "charged-out" to other employees within the FBI. Please be assured that the employees of the JFKTF, with employees from the FSU, are diligently working together to find files that are "On Locate."

FBI RECORDS TO BE PROCESSED

Enclosure H is an updated list of all remaining subjects that are in various stages of processing according to the Act. The enclosure explains the specific stage of processing for each remaining subject.

Concerning the Board's request that the Compliance Official (or Officials) be made available for interviews, as the Compliance Official, I am the FBI's contact person for

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P.08/08

Mr. David G. Marwell

scheduling the interviews. When the Board determines the time for interviewing, the request should be forwarded to me and I will coordinate the arrangements for the FBI with the Board.

Sincerely yours,

**Carol L. Keeley
Acting Unit Chief**

Enclosures (8)

protect the identity of sources used in background investigations and civil cases. However, implied source confidentiality is still in effect in criminal cases.

INFORMANT SYMBOL NUMBERS, ASSET CODE NAMES, AND THE MOSAIC THEORY

Symbol numbers and code names are used as substitutes for the true identities of informants and assets and serve to mask their identities in FBI documents. The use of these substitutes limits the knowledge of the sources' true identities to those who have a "need to know". Likewise, utilization of symbol numbers and code names prevents a breach of security from being more serious than it otherwise might be should an FBI document fall into unauthorized hands.

It should be pointed out here that, even within the FBI, an informant's/asset's identity, and information tending to reveal the same, is restricted, with their files maintained in a separate and secure room, and with access to those files closely monitored and limited only to those with a legitimate "need to know".

In a discussion of the importance of maintaining the confidential relationship with informants, it should be pointed out that the identity of an informant can be determined by factors other than the release of the informant's name. Multiple releases of seemingly innocuous positive information attributable to the same symbol source can, in the aggregate, lead to the identification of an informant. This is known in the FBI as the "Mosaic Theory" and it holds that the release of "singular identifiers", such as symbol numbers, dates of contact, places of contact, and even small amounts of information, can be pieced together to pinpoint the source of information.

THE RECRUITMENT AND OPERATION OF INFORMANTS AND OTHER SOURCES

The indispensability of criminal informants stems from the fact that they save law enforcement inestimable amounts of time and resources and, more importantly, enable law enforcement to do what otherwise could not be done. They are often the only means through which law enforcement agencies can identify, and thereafter bring prosecutable cases against, the perpetrators of virtually every type of crime. Moreover, where the criminal activity is not readily apparent, as is generally the case with organized crime and much white collar crime and large-scale narcotics trafficking, informants enable law enforcement to detect and address activity of which it would otherwise be unaware.

Informants are sometimes honest, law-abiding citizens, but often are intimately acquainted with, or a part of, the

criminal element. Those involved with the criminal element may have been involved in activities ranging from petty theft to the most serious of violations, but it is their familiarity with other criminals that positions them to be of such great value to law enforcement. Informants, especially those with records of serious criminal activity, must be very closely managed so that everything possible is done to prevent them from engaging in unauthorized criminal activities themselves while serving as informants.

Informants can be motivated to provide information by a number of factors, which might include one or more of the following: civic duty or patriotism, revenge, fear of prosecution, rapport with law enforcement officers, and/or money. In every instance, however, the informant must have confidence in the ability of the law enforcement officer and that officer's agency to protect his or her identity at all costs, and in this regard to be most judicious in the manner in which the information provided is used and disseminated.

Some informants, those principally motivated by money or revenge, for example, might be easily developed. More often, however, an informant is developed over a lengthy period of time. The process begins by targeting someone for development based on the person's potential knowledge of, and/or interaction with, particular criminals and criminal activity, as well as their perceived susceptibility to development. Having identified such a person, a law enforcement officer might spend months, and particularly in the organized crime arena, sometimes years, patiently pursuing various efforts to find the key to winning the confidence of the target. Once this confidence has been gained, a flow of information can begin. Frequently limited at first, this flow increases as trust in the relationship grows.

As mentioned previously, informants must be carefully managed and operated, not only to deter their involvement in criminal activity, but to obtain the maximum benefit of their information gathering capability. Additionally, careful management is required to guard against disclosure of their role, either through injudicious actions on their part or through mistakes in the use or dissemination of the information provided. Great care must be taken, for example, to use an informant's information in search warrants and other affidavits, and to share it where necessary with other agencies, in ways that do not lead to the identification of the source.

Some informants may be in a position to provide information on only one or two matters and are therefore operated for short periods of time. Most informants, though, have long-term relationships lasting not just years but sometimes decades, all the while providing information that in most cases law enforcement could not otherwise obtain. Even in

circumstances where an informant is knowledgeable only about a single case, and operation ceases after a short period of time, that person might well be in a position to be reactivated as an informant in future matters, sometimes in other parts of the country, so long as the trust in his or her relationship with law enforcement remains intact.

Whatever the length of time the informant is operated, he or she runs a risk of retaliation if their cooperation is discovered by the criminal targets on which information has been provided. This risk is shared in many cases by the family of the informant. The degree of risk varies according to the nature of the criminal activity and the criminals involved and, generally, the higher the stakes, the greater the risk. Clearly, in the case of organized crime and other violent criminal activities, the possibility of death or serious harm is substantial if not certain.

Indeed, there have been instances of retaliation against informants, as well as those suspected of cooperating with law enforcement (see Tabs 1&2). The fact that there have not been more such incidents attests to the ability of the FBI to maintain the confidentiality of informants during and after the time that they are actually operated.

Protecting the identities of informants and their information is also essential from the standpoint of preventing criminals from learning how much law enforcement knows, or might know, about the extent of their activities. Organized crime families are particularly interested in, and go to great lengths to determine, the extent to which they are penetrated, to include knowing the breadth of law enforcement coverage and the length of time it has existed.

National Security assets provide information in support of FBI foreign counterintelligence and counterterrorism investigations. Assets in counterintelligence investigations often provide information regarding intelligence officers (IOs) of hostile foreign intelligence services operating in the U.S. An asset is most often a U.S. person who has some contact with the IO, a fellow employee of an IO, a social friend, or even another IO whom the FBI has recruited to work on behalf of the U.S. Government.

Assets in counterterrorism investigations are often associated with the same international terrorism organization as the subject of the FBI investigation. These assets may also be neighbors, co-workers or others in contact with the subject, or persons to whom the subject has chosen to disclose his activities.

In counterintelligence and counterterrorism investigations, carefully developed and utilized assets are often the critical means of obtaining on a recurrent basis accurate information regarding the subjects of FBI investigations. These assets may provide information on classified national security information being sought or obtained by IOs of a hostile intelligence service, or information regarding planned acts of violence, fund-raising, or other activities of investigative interest conducted by international terrorists.

The recruitment and operation of National Security assets is analogous in many ways to that of criminal informants. Persons are targeted for development and are thereafter the subjects of recruiting efforts that rely on motivation akin to that used in the criminal field. In the National Security arena, however, recruitment and operation may be most similar in nature to that of high-level organized crime informants, as the time required for recruitment can be very lengthy, the aversion to recruitment great, and the consequences of disclosure fatal. Persons recruited as assets may represent their own countries, and have strong allegiances to both their country and its ideology. These are difficult factors to overcome, as is the natural reluctance of these persons to undertake the grave risks that disclosure would pose for them and their families, who often remain in their home countries. The practices, and in some cases the laws of the countries in which the FBI has a counterintelligence and/or counterterrorism interest, can involve the harshest of penalties for persons engaged in espionage against them. For evidence of the results of disclosure of an asset's relationship with the FBI, one need look no further than the recent investigation of former CIA employee Aldrich Ames, in which a number of foreign nationals who had cooperated with U.S. intelligence services are believed to have been executed by Russian authorities after Ames disclosed their identities to the Russians.

Assets must be operated with the greatest of care because hostile governments are particularly vigilant where penetration of their ranks is concerned. The smallest pieces of information can enable other intelligence agencies or terrorist organizations to determine where they have been penetrated and the extent to which their operations have been compromised. Similarly, these agencies can profit immensely in their efforts to counter penetration by knowing the level at which that penetration has occurred and/or the number of assets being operated against them.

Assets can be operated continuously or intermittently for many years. Moreover, the value of their information can also extend for years when it serves as the basis for, or is critical to, a longstanding counterespionage or counterterrorism operation.

While they are not recruited or operated like informants and assets, persons who request confidentiality when voluntarily reporting information to the FBI, or when responding to requests for information during the course of investigations, are also critical to the FBI's law enforcement and national security missions. This is also true of persons who, often as the result of painstakingly cultivated relationships, regularly provide information that is not generally or readily available to the public.

Law enforcement and national security efforts would both suffer immeasurably without the information that would be unavailable unless these sources are secure in the knowledge that they and their families are safe from any sort of retaliation that might be directed against them. Absolute care has always been taken to protect the identities of these invaluable sources, and to ensure that the information they provide is not disseminated in a way that would compromise their confidential relationship with the FBI.

FBI INFORMANT POSTPONEMENT PRACTICES

The FBI has been interpreting the section of the Act describing the bases for postponement of information from the JFK files in a way that maximizes disclosure. However, at the same time, the FBI is assuming that the Act does not contemplate disclosures that could cripple the efforts to maintain public safety or protect national security. This is particularly true with regard to information contained in files that could result in the identification of those persons with whom the FBI has maintained a confidential relationship. In light of this, and until guidance from the ARRB regarding these matters could be sought, the FBI has postponed the release of such information.

From time to time, references will be made to "positive" and "negative" contacts with sources. In FBI parlance, a "positive" contact is one in which the source provides information that is even the slightest bit useful in regard to an investigative matter. A "negative" contact is one in which the source can provide no useful information to the FBI or knows nothing about a matter in which he or she is specifically asked.

In the "core" Assassination files, which include those files relating to Lee Harvey Oswald, Jack Ruby, and the JFK Assassination Investigation, the majority of informant and other source contacts were negative. After the Assassination, all of the FBI's almost sixty field divisions were instructed to contact "all informants....[a]s well as other sources" to determine if they could provide any information about the Assassination or about such subjects as Lee Harvey Oswald and Jack Ruby. In a

substantial majority of instances, the sources knew nothing about the matter and the contacts were therefore reported as negative. There were some examples of positive contact, however, as where persons acquainted with Jack Ruby described his personality and commented on his possible association with Oswald or members of organized crime.

It should be noted that there is a substantial amount of positive source information in the files that were provided to the House Select Committee on Assassinations (HSCA). This results from the fact that the HSCA collection includes investigative files relating to a number of individuals identified as organized crime figures or intelligence agents from hostile countries. Informants and others whose names or symbol numbers appear in these files were specifically targeted against the subject and therefore furnished information that was nearly always positive.

In brief, the guidelines set out below were utilized by the FBI with respect to informant identities in the "Core" files:

1. All information received from informants or other sources was released so long as the information was not so singular as to clearly identify the source. This has resulted in the release of a very great percentage of the information received from such sources. Any information considered central to the investigation of the assassination would have been released even at the risk of exposure to the informant.
(see Tab 3)

2. Informant symbol numbers were released when no positive information was attributed to them and no characterization (description) of the source was provided.
(see Tab 4)

3. The names of informants, as well as their identifying symbol number and file number when those informants are either providing positive information or are characterized, have been postponed in accordance with Section 6, subsections 2 and 4 of the Act. The information provided was only postponed when so singular that certain identification of the informant would result from its release. (see Tab 5)

4. The identities of those persons expressly requesting confidentiality were, in general, protected and the information that they provided was released. In most cases, this information might have been available from a number of sources and singularity was not a problem. In some cases, the names of persons giving information in the course of their jobs (i.e. police officials giving arrest records to the FBI), even if requesting confidentiality, were released. The FBI has attempted

CIA SPECIAL COLLECTIONS
RELEASE IN FULL

2000

August 9, 1993

To: JFK Task Force

From: Barry Harrelson, CIA
Historical Records Group

Subject: Referrals being made for the JFK Assassination Records
Collection Act

CIA documents do not need to be referred to CIA if the only CIA information deleted was the "Group 1" stamp and the classification level stamps. Also, there is no need to refer the CSCI document numbers since they are being released in the records relating to the assassination.

Barry Harrelson

JUN-26-1997 08:20

JFK TASK FORCE

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FAX TRANSMISSION

FEDERAL BUREAU OF INVESTIGATION

935 PENNSYLVANIA AVENUE, NW

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To: BARRY HARRELSON
Historical Review
CIA

Date: June 26, 1997

Fax #: (703) 613-3063

Pages: 8, including this cover sheet.

From: CAROL L. KEELEY

Subject: JFK Statement of Compliance

CIA HAS NO OBJECTION TO
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IN THIS DOCUMENT

COMMENTS:

Barry,

Attached is the FBI's initial statement of compliance. I thought you might be interested in what the Board wanted from us. I am not sending the enclosures, since there are too many pages to fax. If you are interested in seeing the enclosures, we can make arrangements later.

The hardest work is yet to come, since we have received 43 additional written requests for other subjects (some very voluminous). The statement for that will be more difficult.

If you have any questions or comments, please do not hesitate to call.

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JFK TASK FORCE

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

June 23, 1997

BY HAND

Mr. David G. Marwell
Executive Director
Assassination Records Review Board
600 E Street, NW
Washington, D.C. 20530

Dear Mr. Marwell:

This responds to your letter dated November 29, 1996, to address compliance issues.

This letter is the FBI's Initial Statement of Compliance. The statement provides information explaining the FBI's actions from the time Congress proposed the legislation until the present. The following information documents for the Assassination Records Review Board (the Board) the FBI's process of compliance.

This letter includes "Enclosures" to augment the explanations provided in the letter. The enclosures are for reference and define the mechanics used by the FBI when Congress signed "The President John F. Kennedy Records Collection Act of 1992" (the Act).

Enclosure A sets forth communications to all FBI Field and Legal Attache Offices (Legat). The enclosed communications document that in January 1992, the FBI requested every Field and Legat Office to search for assassination related records, so FBI Headquarters (FBIHQ) could prepare for Congressional Hearings on the proposed Act. The Field and Legat Offices reported the requested search information and later forwarded all identified assassination records to FBIHQ.

Enclosure B is The Statement by former Director William S. Sessions, before the Committee on Governmental Affairs, United States Senate, May 12, 1992, on the Assassination Materials Disclosure Act, Senate Joint Resolution 282. Former Director Sessions' statement