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(JFK)

Date: December 27, 1995
To: Mrs. Toby T. Gati
Assistant Secretary
Bureau of Intelligence and Research
United States Department of State
Washington, D. C.
From: Robert M. Bryant
Assistant Director in Charge
National Security Division
Subject: JOHN F. KENNEDY ASSASSINATION RECORDS
COLLECTION ACT OF 1992 (THE ACT)
PUBLIC LAW (P.L.) 102-526
DECLASSIFICATION OF DOCUMENTS (U)

The following information should not be disseminated outside your organization without prior FBIHQ authority. (U)

Reference Federal Bureau of Investigation memorandum dated July 20, 1995, and a meeting of representatives of the FBI and the U.S. Department of State (USDS) on August 29, 1995. (U)

At the August 29, 1995, meeting, referenced July 20, 1995, memorandum was discussed, as were documents which had been provided to USDS as examples of documents selected by the JFK Board for the FBI to justify the nondisclosure of excised foreign counterintelligence (FCI) information. (U)

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SEE NOTE PAGES 12 AND 13

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4. To date, the FBI has processed documents with information obtained from technical or mail coverages of establishments or officials from: 1) the former Soviet Union; 2) Cuba; 3) [France;]^(S) 4) Dominican Republic; 5) [Venezuela;]^(S) 6) Poland; 7) [Hungary;]^(S) 8) [Israel;]^(S) 9) [Bulgaria;]^(S) 10) Mexico; 11) [Panama (Ambassador)]^(S) 12) Czechoslovakia; 13) [British Guiana (Public Relations Office)]^(S) and 14) [The People's Republic of China.]^(S) A USDS policy statement is needed on whether investigations of any establishment or official of these countries can be released. See item 5 below. (X)

5. If the policy of not acknowledging our FCI targets is changed for any country's establishment or officials, all coverages on the establishment or officials, as well as cases opened on persons who contacted the establishment or officials will also be declassified for foreign relations reasons. How DOJ/DRC will handle these matters under Executive Order 12958 is uncertain since no case history has been established yet. It appears, at present, that the DRC will protect the technical coverages, lookouts and mail covers by allowing classification under the "method" exemption. The DRC has classified several investigations using the foreign relations and method exemptions. To date, no foreign relations exemption has been declassified, but two on the former Soviet Union are being referred to USDS. If the investigation is declassified, any telephone calls received at the establishment or by the officials would be declassified; however, much of the information would still be protected under FOIA guidelines. That would not protect the fact of the technical coverage nor the target. (X)(u)

6. If the investigation and technical, mail, banking, or other coverage of one establishment is declassified, it sets the precedent of an open acknowledgment that the United States Government condones and, in fact,

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there are countries we currently have disagreements or poor relations with since the policy of our government is to improve such relationships in the short term or long term and such revelations would show a disrespect for the people of that country; and the declassification for release of some documents, even of significant historical interest, will be carefully weighed by the FBI against the revelation of our investigative techniques used against the establishments or officials of a particular country. (X)(u)

The FBI notes that since the Intelligence Community's current policy is not to admit any technical or other coverages or investigations of foreign officials or establishments, any release of documents that confirms such coverages would therefore be harmful both to United States foreign relations with that and other countries and the FBI's FCI investigative capabilities, including the revelation of sensitive sources and methods. (X)(u)

The FBI is not aware of any country which acknowledges the use of any technical or other coverages or investigations of foreign officials or establishments in their own country or elsewhere. (X)(u)

OF SPECIAL NOTE:

In making a decision on whether declassification would harm foreign relations with any country, the FBI requests careful consideration of the effects on the FBI's FCI capabilities, including our investigative sources and methods, or technical coverages. The FBI contends that if USDS decides it would not harm foreign relations with a particular country to officially acknowledge that the FBI investigates its establishments or officials, this will nevertheless result in the revelation of the FBI's investigative sources and methods used, as well as have a detrimental effect on our capabilities to enter foreign counterintelligence or law enforcement cooperative exchanges. (X)(u)

The FBI also requests USDS to consider the interests of the [National Security Agency] and consult with them prior to reaching a decision. (X)(S)

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