

Assassination Records Review Board

Reply to the Appeal of the United States Secret Service
to the Review Board's
Formal Determinations of April 13, 1998

III. Based Upon the Evidence Provided by the Secret Service, the Safety of the President Will not Be Compromised by the Release of Names in Thirty-five Year Old Records

Under the JFK Act, information properly may be postponed if it is shown, by clear and convincing evidence, that its release "would reveal a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service . . . for protecting Government officials, and public disclosure would be so harmful that it outweighs the public interest." JFK Act § 6(5). The Secret Service Appeal raises this provision as a basis for postponing release of the names of individuals in the records at issue. When considering the possible applicability of Section 6(5), it is important not to confuse or conflate the issues. There are three preliminary points that must be borne in mind.

First, it is not a secret that the mental-health community cooperates with the Secret Service in providing names of persons who are potential threats to the President. As early as the Warren Commission era, the Secret Service has revealed its cooperation with Mental Health professionals in its protection efforts. Robert Bouck, the Chief of the Protective Research Section during the Kennedy Administration, testified to this fact before the Warren Commission. See Exhibit . . . Other Secret Service agents have told the House Select Committee on Assassinations about the Service's use of mental health information in their protective efforts. (Footnote Interviews of SS Agents before HSCA)

Additionally, the Service has indicated its cooperation with the mental health community in psychiatric journals and publications. (Footnote: Journal of Psychiatric Services and publications of the Institute of Medicine).

Open documents in the JFK Collection refer to the fact that the Service relies on the input of mental health professionals in their efforts at protecting the President. Examples of this can be found in the John Warrington and Thomas Vallee files of the HSCA collection.

Robert Bouck's testimony. *Investigation of the Assassination of President Kennedy:*

Hearings Before the President's Commission on the Assassination of President Kennedy, Vol. IV. at 303, 306 (1964) (testimony of Robert Bouck). Further, the Warren Commission received exhibits that detailed the Secret Service guidelines for mental commitment of certain White House visitors. Commission Exhibit 764, Vol. IV, at 587.

Second, the records at issue does not disclose who, if anyone, in the mental health community provided information to the Secret Service. None of the records at issue contains the name of a particular doctor, or member of the mental health community. The individuals identified as a potential threats to the President are named in the Threat Sheets, and in a very few instances, "informants" are mentioned, but not identified by name. Further, although given the opportunity, the Service has provided no evidence of any confidentiality agreements that existed between doctors and the Secret Service, or patients and the Secret Service, with regard to any of the individuals at issue in the documents.

Third, the only information on which the Secret Service is basing its appeal is the release of names in 35-year-old documents.

[insert brief discussion]

The sole plausible argument in support of the Service's position is that if the names of individuals are released, the mental-health community will have less trust in the Secret Service's ability to protect confidences and that doctors will therefore be less likely to transmit names of potential threats to the President. While such an argument is not implausible on its face, the Secret Service has not provided "clear and convincing" evidence that it is true. In fact, the evidence would seem to point in the opposite direction. If the argument were true, the mental-health community would presumably have stopped cooperating with the Secret Service years ago when the Service opened to the public copies of *The Record* and released other confidential information, by name, about individuals. The Secret Service has not, of course, chosen to acknowledge the very important fact that it has frequently released just the type of evidence at issue without any adverse consequence.

The Review Board is able to identify only one other possible argument that the Service might make, but it is so extreme as not to be plausible. The Secret Service could argue that, although the

mental-health community was completely unaware of the many prior releases of the information now being appealed, it is now fully aware of the possible release of JFK documents and that this new release might jeopardize future cooperation. Of course the responsibility for broadcasting the issue among the mental-health community lies squarely with the Secret Service in its solicitation of letters and in its own characterization of the issues at stake. For the Secret Service to argue that the names cannot be released because the mental-health community is now aware of the issue would, of course, be like the boy who killed both parents and then pleaded for the mercy of the court because he was an orphan.

Despite the rhetoric to the contrary, the Review Board cannot believe that there are many trained professionals, who have an interest in the welfare of their patients and an ethical responsibility to the community, will jeopardize either the President or their own patients' well being, by making the excuse that the release of names in 35-year-old records related to the assassination of President Kennedy prevents them from doing their moral and civic duty.

Conclusion

Unfortunately, it appears that the Secret Service has performed a fundamental disservice not only to the reputation of the Review Board -- which did not do what the mental-health community was led to believe -- but to itself. The Review Board simply voted to release the same type of information that the Secret Service itself has routinely placed in the public domain. All of the records should be opened forthwith.

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