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DATE: 11-14-2017

JFK Assassination System  
Identification Form

Date: 3/31/201

## Agency Information

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RECORD SERIES : HQ

AGENCY FILE NUMBER : 62C-HQ-1029205-1190

## Document Information

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TO : WH

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JFKARCA OF 1992

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COMMENTS : INC PETITION

DATE: 11-14-2017

~~SECRET~~

May 28, 1996

BY HAND

The Honorable William J. Clinton  
President of the United States  
Washington, D.C. 20500

3/12/99 5668 SW/nide  
SFK

Dear Mr. President:

For the reasons set forth in detail in the enclosure, this letter requests that you exercise your authority, under Section 9(d) of the President John F. Kennedy Assassination Records Collection Act of 1992, to postpone public disclosure of portions of five documents ordered released by the Assassination Records Review Board. (U)

As I indicated in my letter to you of May 10th, the FBI has cooperated extensively with the Board and made the broadest disclosure of documents in our history. We have withheld very little, deferred to the Board whenever possible, and appealed only when vital national interests would be compromised by the release of certain information. (U)

Classified by: 38556  
Reason: 1.5(c)  
Declassify on: X1

Hand Forwarded to  
NSA, DOS & CIA  
by [unclear] 9/20/96

1 - Director  
1 - Mr. Kennedy  
1 - Mr. R. Bucknam  
1 - Mr. Bryant  
1 - Ms. Morris  
1 - Mr. Perry

1 - Mr. Lewis  
1 - Mr. Collingwood  
1 - Mr. K. O'Brien  
1 - Mr. Shapiro  
1 - Mr. Maddock  
1 - Mr. Bowman

1 - Ms. Keeley  
1 - Mr. Divers  
1 - Mr. P. Kelley  
1 - Mr. D. Evans  
1 - ALU Library  
1 - ALU Tickler

Dep. Dir. \_\_\_\_\_  
ADD Adm. \_\_\_\_\_  
ADD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
CJIS \_\_\_\_\_  
Info. Mgmt. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Off. of EEOA \_\_\_\_\_  
Off. Liaison \_\_\_\_\_  
& Int. Affs. \_\_\_\_\_  
Off. of Public \_\_\_\_\_  
& Cong. Affs. \_\_\_\_\_  
TQM Office \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Office \_\_\_\_\_

PWK:wam (24)

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62C-49-1029205-1190

SECRET MATERIAL ATTACHED  
UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE

MAILROOM ☐

~~SECRET~~

The Honorable William J. Clinton

In this instance, we asked the Board to postpone disclosure of selected portions of 69 documents. The Board did accede to our request in a few cases but ordered most of the remaining documents to be disclosed in full. After carefully considering the interest of the public in disclosure against the harm that would result from release, we feel constrained to appeal the disclosure of information in five documents. (U)

Disclosure of information in four of the documents would reveal investigative or surveillance techniques used to gather important information from foreign countries. Disclosure of this material would compromise those techniques and impair foreign relations. Release of the information in the last document would severely invade the privacy interests of a private citizen and subject him to public ridicule and embarrassment with no discernable contribution to the public's understanding of the circumstances surrounding President Kennedy's assassination. (U)

I regret the necessity of appealing the disclosure of this information so soon after forwarding you our earlier appeal. I cannot in good conscience, however, permit this information to be made public without requesting you to fully consider the adverse ramifications of its release. (U)

I also want to express my deep concern about the Board's habit of making public comments concerning these appeals. At the time of our last appeal, the Board issued a press release, either believing that their arguments would be better received in another forum or hoping to bring public pressure to bear on the White House, and thus influence your decision-making. I believe it would be more appropriate to address our genuine differences on the merits, pursuant to the legislation which created the Board. (U)

Sincerely,

Louis J. Freeh  
Director

Enclosure

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DATE: 11-14-2017

~~SECRET~~

The Honorable William J. Clinton

- 1 - Honorable Warren M. Christopher  
The Secretary of State  
U.S. Department of State  
Washington, D.C.
- 1 - The Honorable Jamie S. Gorelick  
The Deputy Attorney General  
U.S. Department of Justice  
Washington, D.C.
- 1 - Mr. David G. Marwell  
Executive Director  
Assassination Records Review Board  
Washington, D.C.

**NOTE:** By letter of 5/1/96 the Executive Director of the JFK Assassination Records Review Board notified the FBI of the Board's determination that certain FBI records should be released to the public. Because the FBI believes that some of these records should not be released, it is necessary to appeal their release to the President.

**APPROPRIATE:**

Crim. Inv.	Info. Rec.	Training
Crim. Inv. Info.	Inspection	Office of EEO
Ident.	Laboratory	Affairs
Gen. Inv.	National Sec.	Offices of Public & Int. Affairs
Gen. Counsel	Personnel	Comp. Affairs

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**SECRET MATERIAL ATTACHED  
UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE**

SECRET

PETITION FOR POSTPONEMENT  
UNDER  
SECTION 9(d)  
OF THE  
PRESIDENT JOHN F. KENNEDY  
ASSASSINATION RECORDS COLLECTION ACT OF 1992

This petition requests, on behalf of the Federal Bureau of Investigation (FBI), the President to exercise his authority, under Section 9(d) of the President John F. Kennedy Assassination Records Collection Act of 1992<sup>1</sup> (the Act), to postpone public disclosure of portions of five documents ordered released by the Assassination Records Review Board (Board). Copies of the documents are attached at Tab A. Some of the documents are classified; portions ordered disclosed by the Board which the FBI seeks to protect are highlighted in yellow. (U)

The Board's determinations concerning disclosure of the information in question are set forth in a letter, dated May 1st. A copy of the Board's letter is attached at Tab B; it is not classified. Under Section 9(d) of the Act, the President has the nondelegable authority to require postponement of disclosure under the standards set forth in Section 6 of the Act. (U)

The Standard for Postponement

Per Section 6 of the Act, disclosure of assassination records<sup>2</sup> or particular information in such records may be postponed if there is clear and convincing evidence that --

~~Classified by: 38556~~  
~~Reason: 1.5(c)~~  
~~Declassify on: X1~~

3/14/99

5608-SW/mid  
c.d.  
(1)(6)  
(JFK)

<sup>1</sup> 44 U.S.C. § 2107, note.

<sup>2</sup> Defined by Section 3 of the Act to mean "a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, obtained by, or otherwise came into the possession of . . . any Executive agency . . . ."

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Document 10001 is an internal FBI document. It describes some information provided to the Bureau in 1968 by a member of the Dallas County (Texas) District Attorney's Office concerning Mr. Mark Lane, an author who is often critical of the FBI's performance in investigating President Kennedy's assassination. The information, which we seek to protect from disclosure for Mr. Lane's sake, depicts Mr. Lane involved in what is described as a "masochist rite" in which he appears "nude, with his arms taped behind him, sexually aroused, and his sex organs being tortured." (U)

Document 10130 relates information concerning the issuance of a visa to a Mr. David P. Welch that we obtained by intercepting teletype traffic between the Czechoslovakian Embassy in Washington, D.C., and the Cuban Ministry of Foreign Relations in Cuba. The same teletype line was also used by the Cuban Mission to the United Nations in New York, New York. We seek to postpone disclosure of a dozen words identifying the involvement of the Czechoslovakian Embassy and Cuban Ministry in the transaction. (S)(U)

Document 10414 and document 10076 are related. Document 10414 quotes two New York file numbers with the file captions: "Czechoslovakian Intelligence Activities in the United States," and "Czechoslovakian Diplomatic Activities in New York." Document 10076 consists of two "search slips" on Clay Shaw. The two postponed file numbers are the FBI Headquarters numbers relating to the above New York files. Although the file captions are not on the search slip, we seek to protect these headquarters file numbers from disclosure, along with the New York file numbers and captions, because of matters contained in the files. Mr. Clay Shaw's name appears in both documents, and was obtained as a result of telephonic surveillance of the Czechoslovakian Consulate General. The documents to which the headquarters file numbers pertain contain summaries of activities overheard on this technical coverage. (S)(U)

Document 10248 is another "search slip" containing a file number which we seek to postpone. The subject of the file to which the number pertains is Colonel L. Horak, the Military and Air Attache in the Czechoslovakian Embassy in Washington, D.C., from 1964 to 1968. This particular file contains information on attempts by Colonel Horak, by letter and by telephone, to obtain counter-electronic surveillance equipment and "bugging" equipment from a Mr. G. Novel, whose name is also on the slip. (S)(U)

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**SECRET**

relations of even long-standing allies, much less those of former enemies or neutrals. Uncertainties in this arena may adversely affect evolving relationships in others. When the relationships in question are in a state of evolution, such as those between Czechoslovakia and the United States, the impact of such a disclosure may prove especially harmful. (S)(U)

Second, if we declassify today the investigative techniques that we use when targeting foreign establishments, officials, and agents, we may not under prevailing classification principles keep classified the same information tomorrow.<sup>5</sup> Thus, even though the consequences of a seemingly innocuous disclosure--such as the file numbers from the "search slips" here--may be well understood in a particular context, assessing their impact from all other relevant perspectives is difficult at best. If the file numbers in question are released, then future Freedom of Information Act (FOIA) requests for files under that number will have to be processed, resulting inevitably in more and more information from the file being released. (U)

Further, if we declassify our use of wire and telephone interceptions, to investigate Cuban and Czechoslovakian officials and establishments in this instance, then all other uses of the same techniques on the same officials in other situations may prove impossible to classify in the future on the grounds that disclosure would compromise foreign relations. Put differently, once we discard the policy against officially acknowledging our use of particular investigative techniques against specific foreign establishments and agents, we can no longer use it to justify withholding similarly sensitive information in the future. Just as importantly, once the policy is breached, we may not be able to use it to shield our use of similar techniques on other countries which we target for surveillance. The same issue, for example, can be expected to arise with regard to our investigation of other members of the former Soviet bloc, [France, [S] Venezuela, Israel,] and a large number of other nations. (S)

We are not alone in maintaining this posture. To our knowledge, no other country officially acknowledges using specific investigative techniques to target the establishments or officials of foreign countries within their territory or elsewhere. (S)(U)

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<sup>5</sup> See Fitzgibbon v. CIA, 911 F.2d 755 (D.C. Cir. 1990).

**SECRET**