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DATE: 11-14-2017

JFK Assassination System
Identification Form

Date: 3/31/201

Agency Information

AGENCY : FBI
RECORD NUMBER : 124-10376-10485
RECORD SERIES : HQ
AGENCY FILE NUMBER : 62C-HQ-1029205-3150

Document Information

ORIGINATOR : FBI
FROM : HQ
TO : WH
TITLE :
DATE : 08/03/1998
PAGES : 16
SUBJECTS :
JFKARCA OF 1992
DOCUMENT TYPE : PAPER, TEXTUAL DOCUMENT
CLASSIFICATION : Unclassified
RESTRICTIONS : 3
CURRENT STATUS : Redact
DATE OF LAST REVIEW : 04/30/1999
OPENING CRITERIA : INDEFINITE
COMMENTS : INC ENVELOPE, PETITION

376

August 3, 1998

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

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 the public disclosure of three documents and a photograph ordered released by the Assassination Records Review Board.

Consistent with the spirit of the Act, the Federal Bureau of Investigation (FBI) has cooperated extensively with the Board and made the broadest disclosure of documents in the Bureau's history. In this instance, however, release of these items would severely invade the privacy interests of three private citizens and subject them to public ridicule and embarrassment with no discernable contribution to the public's understanding of the circumstances surrounding President Kennedy's assassination or how that crime was investigated by the FBI. We are particularly concerned that the items, which have been marked "OBSCENE" for good reason, may be published on the Internet and will be available to minors following their release to the public. Moreover, we have been able to warn only one of the three persons whose character and reputation will be besmirched by the release of these items. The one person we have contacted strongly opposes the Board's decision to release this material.

1-ENCLOSURE

60C-HQ-1029905-3150

1 - Director	1 - Ms. Keeley, Rm. 11144
1 - Mr. Bryant	1 - Ms. Wilkins, Rm. 11144
1 - Mr. R. Bucknam	1 - Mr. Miller, Rm. 7338
1 - Mr. Collingwood	1 - Mr. Williams, Rm. 7338
1 - Mr. Parkinson	1 - ALU Library
1 - Mr. T. Kelley	1 - ALU Tickler
1 - Mr. P. Kelley	

60C-WILLIAMS
7338

Dep. Dir. _____
ADD Adm. _____
ADD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
CJIS _____
Info. Mgmt. _____
Insp. _____
Intell. _____
Lab. _____
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& Int. Affs. _____
Off. of Public _____
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Director _____
Deputy Director _____

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Crim. Jus. Info. _____ Inspection _____
Servs. _____ Lab. _____
Finance _____ Mail _____
Gen. Counsel _____

LRP

PWK

MAILROOM ☐

DATE: 11-14-2017

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), that the President exercise his authority, under Section 9(d) of the President John F. Kennedy Assassination Records Collection Act of 1992¹ (the Act), to postpone public disclosure of three documents and a photograph ordered released by the Assassination Records Review Board (the Board). Each of the items is described below, and the items are attached at Tab A.

The Board's determinations concerning disclosure of the information in question are set forth in a letter dated July 22, 1998, to the Director of the FBI. A copy of the letter is attached at Tab B. 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.

The Standard for Postponement

Pursuant to Section 6 of the Act, disclosure of assassination records² or particular information in such records may be postponed if there is clear and convincing evidence that:

(3) the public disclosure of the assassination record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest

The Senate Report on the Act provides no guidance with respect to the standard set forth in Section 6(3).³

¹ 44 U.S.C. § 2107, note.

² 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"

³ S. Rep. (Governmental Affairs Committee) No. 102-328, 102nd Cong., 2nd Sess. (1992), reprinted in 1992 U.S.C.C.A.N. 2965.

The Items at Issue

The documents and the photograph ordered released by the Board are identified by the Board by the record number, 124-10320-10228. The items are identified collectively by the FBI under file number 100-409763, Section EBF 18. For convenience, we shall refer to the documents and photograph by the last digital component of the record number assigned by the Board, 10228.

The first document in item 10228 is identified as a "List of instructions, handprinted, beginning 'Repeat entire instructions from the last test.'" The envelope containing the list is labeled "OBSCENE" in red pencil. The instructions include such things as "Give several enemas [,] . . . [u]se needles very freely and deeply [,] . . . [o]pen rectal area wider than in past [,] . . . tie his hands securely behind his back - have him face up on desk or table with legs spread eagled and securely tied and insert into testicles red hot needles" (Emphasis in original.)

The second item in 10228 is a photograph provided to the Bureau in 1968 by a member of the Dallas County (Texas) District Attorney's Office. The envelope containing the photograph is labeled "OBSCENE" in red pencil. The photograph is identified as "Obscene photograph of MARK LANE." It depicts an adult male lying on his side in bed with his hands apparently bound behind him. The subject is nude, apparently sexually aroused, and his testicles are being handled by a person outside of the photograph. The subject appears to be grimacing in pain.

The third item in 10228 is a transcript identified as a "Statement taken on January 30, 1962, from PHYLLIS DENISE GOLDEN." The envelope containing the transcript is labeled "OBSCENE" in red pencil. In the six-page transcript a woman identifies herself as Phyllis Denise Golden. She describes in detail a series of sexually abusive acts which she performed on a man she knew as Mark Lane.

The fourth item in 10228 is a transcript identified as a "Statement taken on January 30, 1962, from ELIZABETH LEE STEPHENSON." The envelope containing the transcript is labeled "OBSCENE" in red pencil. In the six-page transcript a woman identifies herself as Elizabeth Lee Stephenson. She describes in detail a series of sexually abusive acts that she performed on a man she knew as Mark Lane.