

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : FBI
RECORD NUMBER : 124-10186-10067

RECORDS SERIES :

BH

Released under the John F. Kennedy
Assassination Records Collection Act of
1992 (44 USC 2107 Note). Case#:NW
65994 Date: 11-01-2021

AGENCY FILE NUMBER : 66-2204-27 THRU 33

DOCUMENT INFORMATION

ORIGINATOR :
FROM :
TO :

TITLE :

DATE : 00/00/00
PAGES : 0

SUBJECTS :

NAR

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CURRENT STATUS : P
DATE OF LAST REVIEW : 07/27/94

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COMMENTS :

[R] - ITEM IS RESTRICTED

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Date: August 2, 2021

From: National Archives and Records Administration

Subject: Reconstructed FBI File BH 66-2204, Serials 27-33

To: The File

This memorandum briefly summarizes the status of missing original Federal Bureau of Investigation (FBI) case files or portions of case files in the President John F. Kennedy Assassination Records Collection (JFK Collection) and documents the National Archives and Records Administration's (NARA) efforts to reconstruct these records, where possible, from duplicate copies of documents located in other FBI files.

As the JFK Collection was first compiled and reviewed in the 1990s, the Assassination Records Review Board and the FBI designated some records as "not believed relevant" (NBR) or "not assassination related" (NAR). The FBI retained custody of the NBR/NAR records and postponed their transfer to NARA until a later date. Every document or group of documents ("serials"), however, received an indexed Record Identification Form (RIF) and FBI inventory sheet for insertion into the JFK Collection.

After an extensive search, neither the FBI nor the National Archives could locate a small number of NAR documents or case files.

This compilation represents NARA's efforts to reconstruct the original file or portions of the file, as completely as possible, with duplicate copies of documents located in the FBI field office and headquarters files within the JFK Collection. Each reconstructed file or compilation contains a Record Identification Form, an explanatory cover memo, existing administrative documents available within the JFK Collection, and copies of identified duplicate documents. The table below summarizes the status of FBI file BH 66-2204, Serials 27 through 33.

RIF Number	FBI File Number	List of Serials From Inventory Sheet	List of Identified Serials at NARA	Reconstructed Status (None, Partial, Complete)
124-10186-10067	BH 66-2204	27-33	27, 30-31	Partial

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

21 Page(s) withheld entirely at this location in the file.
One or more of the following statements, where indicated,
explain this deletion (these deletions).

- Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."
- Subsection 1A (intelligence agent's identity)
- Subsection 1B (intelligence source or method)
- Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- Subsection 2 (living person who provided confidential information)
- Subsection 3 (unwarranted invasion of privacy)
- Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- Subsection 5 (security or protective procedure, currently or expected to be utilized)

Information pertained to a matter unrelated to the JFK Assassination investigation.

For your information: _____

The following number is to be used for reference regarding this page (these pages):

BH 66-2204-27 thru 33

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

JFK Inventory Sheet
(Committees Files)

File #: BH 66-2204 - -

Section #: 1

Re: CHURCH COMM.

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agy	Duplicate Location	Postponements
1	03/24/75	TT	HQ	ALL SACS		1	1	2	0						NAR
2	03/25/75	TT	BH	HQ		2	1	3	0						NAR
3	05/02/75	TT	HQ	ALL SACS		2		2	0						NAR
4	05/20/75	TT	HQ	ALL SACS		1		1	0						NAR
5	06/16/75	RS	BH			1		1	0						NAR
6	05/28/75	MEMO	HQ	ALL EMPLOY		8		8	0						NAR
7	06/28/75	TT	HQ	AT		3		3	0						NAR
8	09/04/75	TT	HQ	ALL SACS		3	3	6	0						NAR
9	09/05/75	TT	HQ	AX		7	7	14	0						NAR
10	09/11/75	TT	BH	HQ		1	1	2	0						NAR
11	09/12/75	TT	BH	HQ		1	1	2	0						NAR
12	09/26/75	TT	HQ	ALL SACS		1		1	0						NAR
13	10/09/75	TT	HQ	ALL SACS		2		2	0						NAR
14	11/12/75	MEMO	BARNETT	BH		2		2	0						NAR
15	11/21/75	RS	HQ	BH		1		1	0						NAR
15	11/20/75	NEWS ARTIC	NY			1		1	0						NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agy	Duplicate Location	Postponements
16	12/12/75	TT	HQ	BH		1	1	2	2	2	2				NONE
17	12/02/75	TESTIMONY	CHURCH COM			14		14	0						NAR
18	12/04/75	RS	HQ	BH		1		1	0						NAR
19	12/10/75	TT	HQ	ALL SACS		4	4	8	0						NAR
20	12/02/75	TRANSCRIPT	CHURCH COM			61		61	0						NAR
21	12/05/75	RS	HQ	BH		1		1	0						NAR
22	12/24/75	AT	BH	HQ		1	1	2	2	2	2				NONE
22	12/24/75	LHM	BH	HQ		17	17	34	34	34	34				NONE
23	01/05/76	RS	HQ	BH		1		1	0						NAR
24	11/11/76	AT	BH	HQ		1		1	0						NAR
25	01/28/76	LHM	BH	HQ		8	8	16	16	16	16				NONE
26	01/28/76	AT	BH	HQ		1	1	2	2	2	2				NONE
27	02/12/76	TT	HQ	ALL SACS		2	2	4	0						NAR
28	02/24/76	AT	BH	HQ		1		1	0						NAR
29	07/16/76	AT	HQ	AL		1		1	0						NAR
29	04/21/76	MEMO	THIRD PART	NY		2		2	0						NAR
29	03/01/70	MEMO	THIRD PART	NY		2		2	0						NAR
30	08/24/76	MEMO	HQ	ALL SACS		5		5	0						NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agcy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agcy	Duplicate Location	Postponements
31	08/31/76	TT	HQ	ALL SACS		1	1	2	0						NAR
32	09/07/76	TT	HQ	BH		1	1	2	0						NAR
33	06/28/77	MEMO	HQ	ALL SACS		2		2	0						NAR

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Grand Totals.....

0	165	50	215	56	56	56	0
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End of Report....

NR064 WA PLAIN

10:15PM NITEL 2-11-76 TKR

TO ALL SACS

FROM DIRECTOR

TESTIMONY BEFORE HOUSE CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS
SUBCOMMITTEE FEBRUARY 11, 1976.

THE ATTORNEY GENERAL AND I TESTIFIED BEFORE
CAPTIONED SUBCOMMITTEE TODAY CONCERNING LEGISLATIVE
POLICIES AND GUIDELINES FOR THE FBI. COPIES OF THE
STATEMENTS PRESENTED TO THE COMMITTEE BY THE ATTORNEY
GENERAL AND ME ARE BEING MAILED TO ALL OFFICES TODAY. FOR
YOUR INFORMATION, THERE FOLLOWS A SYNOPSIS ACCOUNT OF THE
MAJOR AREAS OF THE SUBCOMMITTEE'S QUESTIONS TO ME, TOGETHER
WITH MY RESPONSES:

(1) IN RESPONSE TO QUESTIONS REGARDING THE
PREVENTIVE ACTION PROVISION IN THE ATTORNEY GENERAL'S
PROPOSED GUIDELINES FOR THE FBI WHICH ARE CITED IN HIS
PREPARED STATEMENT, I STATED THAT THE PRIMARY MANDATE OF
LAW ENFORCEMENT IS PREVENTION; THAT WE CANNOT INVESTIGATE
SOLELY "AFTER THE FACT"; THAT ACTION TO PREVENT LEGITIMATE
DISSENT UNDER OUR DEMOCRATIC FORM OF GOVERNMENT WOULD BE
INTOLERABLE; THAT PRIOR TO TAKING PREVENTIVE ACTION IN A

- 1. SAC
- 2. ASAC
- 3. Sec. Supv.
- 4. Desk 4
- 5. Desk 5
- 6. Desk 6
- 7. LASH

62-2445-257

SEARCHED	7/1	INDEXED	
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FBI - BUFFALO			
SAC (LAST)			

PAGE TWO

DOMESTIC SECURITY CASE TODAY WE WOULD ASCERTAIN THE NATURE AND EXTENT OF THE THREAT INVOLVED, CONSULT WITH THE DEPARTMENT, AND REACH A WORKABLE SOLUTION AS TO ANY NECESSARY AND PROPER ACTION TO BE TAKEN.

(2) REGARDING THE GUIDELINES, QUESTIONS WERE ASKED CONCERNING MY INPUT (MY RESPONSE WAS THAT THE FBI HAS A REPRESENTATIVE ON THE GUIDELINES COMMITTEE, AND I RECEIVE REPORTS FROM TIME TO TIME CONCERNING THE THRUST OF THESE GUIDELINES) AND WHETHER THE GUIDELINES IN PRESENT FORM ARE TOO STRICT OR LOOSE (MY RESPONSE WAS THAT THE FBI IS NOT UNCOMFORTABLE WITH THE GUIDELINES; THAT I CANNOT BROADLY CATEGORIZE THEM AS STRICT OR LOOSE; THAT THEY ARE STILL UNDER CONSIDERATION BUT AT THIS POINT ARE NOT TOO RESTRICTIVE).

(3) IN RESPONSE TO A QUESTION AS TO WHETHER THE DEPARTMENT OF JUSTICE SUPERVISES THE FBI, I STATED THAT I RECOGNIZE THAT IT DOES AND THAT I CAN STATE UNEQUIVOCALLY THAT I HAVE A VERY PLEASANT RELATIONSHIP WITH THE ATTORNEY GENERAL AND THAT WE GET ALONG VERY WELL.

(THE ATTORNEY GENERAL AGREED AND POINTED OUT THAT THE FBI HAS TO HAVE CONSIDERABLE AUTONOMY, THAT THE FBI DIRECTOR'S RESPONSIBILITY IS GREAT, AND THAT THE ATTORNEY GENERAL

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HAS GENERAL OVERSIGHT RESPONSIBILITY OVER THE BUREAU. HE NOTED THAT THE ATTORNEY GENERAL "IS NOT RUNNING THE FBI" -- OR HE WOULD NOT HAVE TIME FOR ANYTHING ELSE -- AND THAT THERE IS "SOME DISTANCE" BETWEEN THE ATTORNEY GENERAL AND THE FBI DIRECTOR.)

(4) IN RESPONSE TO QUESTIONS CONCERNING CONTINUED OVERSIGHT OF THE FBI BY CONGRESSIONAL COMMITTEES, I STATED THAT SINCE APRIL, 1975, THE FBI HAS DEVOTED 4500 AGENT DAYS AND 2221 CLERICAL DAYS TO PROVIDE CONGRESS WITH THE INFORMATION THAT IT HAS REQUESTED; THAT SOME SOURCES AND INFORMANTS HAVE BECOME UNWILLING TO URNISH US INFORMATION BECAUSE OF THE WIDESPREAD DISCLOSURE OF THE MATERIAL WE HAVE PROVIDED CONGRESSIONAL COMMITTEES; THAT THE FBI DOES NOT OBJECT TO OVERSIGHT; THAT WE ARE WILLING TO HAVE OVERSIGHT AND GUIDELINES BUT THAT WE WANT TO DEVELOP SOME BALANCE SO THAT WE MAY MAINTAIN OUR CAPABILITIES INTACT TO FULLY DISCHARGE OUR RESPONSIBILITIES.

ALL LEGATS ADVISED SEPARATELY.

END

DMB FBI BU



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 24, 1976

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE:

80-662
80-490

(A) DISCOVERY IN CIVIL LITIGATION -- Present and former Bureau employees, as well as the United States Government, are defendants in numerous civil suits, and a number of FBI employees have expressed concern regarding the extent to which courts are requiring us to produce documents in these suits. Questions have been raised regarding the scope of discovery in civil litigation, the means by which discovery can be resisted, and the extent to which executive privilege can be invoked.

For your information, Rule 26 (b) (1), Federal Rules of Civil Procedure, provides as follows regarding the scope of discovery:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

This rule "apparently envisions generally unrestrictive access to sources of information, and the courts have so interpreted it." Horizons Titanium Corp. v. Norton Co., 290 F.2d 421, 425; Harris v. Nelson, 394 U. S. 286, 297.

To understand the reason for the wide scope of discovery permitted by the Federal rules, it should be kept in mind that a clear distinction is made between the right to obtain information by discovery and the right to use it at the trial. Rule 26 (b) allows great freedom in discovery. Rules 32 (a), 33 (b), and the rules of evidence generally limit what may be used at the trial.

8-24-76

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The Supreme Court spoke of the proper scope of the discovery rules in Hickman v. Taylor, 329 U. S. 495:

We agree, of course, that the deposition-discovery rules are to be accorded a broad and liberal treatment. No longer can the time-honored cry of "fishing expedition" serve to preclude a party from inquiring into the facts underlying his opponent's case. Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation. To that end, either party may compel the other to disgorge whatever facts he has in his possession. The deposition-discovery procedure simply advances the stage at which the disclosure can be compelled from the time of trial to the period preceding it, thus reducing the possibility of surprise. Id. at 507-508.

The discovery rules apply to the United States just as fully as they apply to any other person. U. S. v. Procter & Gamble Co., 356 U. S. 677, 681. It is also true that, like other litigants and witnesses, the United States--and other Governmental units--frequently resists discovery. There are more grounds on which to do so than when discovery is sought against private persons. The United States has, or has claimed, among others: (1) a privilege not to disclose the identity of informers; (2) a privilege for military or state secrets; and (3) a qualified constitutional privilege to refuse to disclose whatever the executive chooses to keep secret. Privilege may be invoked only by the head of the Executive agency, i. e., the Attorney General.

What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law to officers charged with enforcement of that law. Roviaro v. U. S., 353 U. S. 53, 59. Such a privilege is well recognized. "The privilege for communications by informers to the Government is well established and its soundness cannot be questioned." Mitchell v. Roma, 265 F.2d 633, 635. Indeed, it has been extended beyond those who give information to law enforcement officers to include others who render assistance that is necessary to effective law enforcement. Black v. Sheraton Corp. of America, 47 F.R.D. 263, 265.

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The privilege is a qualified one, however, and requires balancing the public interest in protecting the flow of information and assistance to the enforcement authorities against a party's right to prepare his case. Roviaro v. U. S., 353 U. S. at 62.

It is only the identity of the informer that is protected. The contents of his communication are not privileged (Roviaro v. U. S., 353 U. S. at 50; Foltz v. Moore-McCormack Lines, Inc., 189 F.2d 537, 539-540, certiorari denied 342 U. S. 871) unless they would tend to reveal his identity. Wirtz v. Robinson and Stephens, Inc., 368 F.2d 114; Black v. Sheraton Corp. of America, 47 F. R. D. at 269. The privilege belongs to the Government, but it is waived if either the informer or the Government has disclosed his identity (emphasis added). Mitchell v. Bass, 252 F.2d 513.

There is also a privilege for state secrets that protects information not officially disclosed to the public concerning the national defense or the international relations of the United States. McCormick, Evidence, 1954, Section 144. U. S. v. Reynolds, 345 U. S. 1. The Supreme Court in Reynolds, supra, rejected contentions that the decision of the Executive is final as to the existence of this privilege. A court itself must determine whether the circumstances are appropriate for the claim.

In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori, where necessity is dubious, a formal claim of privilege, made under the circumstances of this case, will have to prevail. Id. at 11.

There was also the contention, until United States v. Nixon, 418 U. S. 683 (1974) was decided, that by virtue of the separation of powers in the Federal Government the Executive has an absolute privilege to withhold from Congress or the courts any information that the executive branch

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deems confidential. This contention goes back as far as Marbury v. Madison, 1803, 1 Cranch (5 U. S.) 137, 144, and the trial of Aaron Burr. U. S. v. Burr, 25 Fed. Cas. 187, 190, No. 14, 694.

Recent lower court cases, as well as the Nixon case, recognized a qualified executive privilege, well-described in the following passage:

In asserting the privilege, the Government cites no authority to establish the privilege as an absolute one. In fact, the cases make it clear that the privilege is a discretionary one that depends upon ad hoc considerations of competing policy claims, the policy of free and open discovery juxtaposed to the need for secrecy to insure candid expression of opinions by Government employees in the formulation of Government policy. * * * Thus, when the privilege is claimed, it is necessary to balance interests to determine whether disclosure would be more injurious to the consultative functions of Government than non-disclosure would be to the private litigant's defense. U. S. v. 30 Jars, More or Less, of "Ahead Hair Restorer for New Hair Growth," 43 F. R. D. 181, 190.

Applying a process of this kind, courts in many cases have sustained claims of executive privilege. In cases in which the litigant's need for the information has seemed to outweigh the Government's interest in secrecy, however, the claim of privilege has been overruled, and disclosure has been ordered.

A discovery order, not being a "final" order, is not appealable, but a party may attempt to obtain relief by applying to the court of appeals for a writ of mandamus. To obtain such a writ, however, the petitioner must show that the trial court has substantially abused its discretion. Because Rule 26 (b) (1) envisions generally unrestrictive access to information and because a trial court has extremely broad discretion in this area, such a writ is extremely difficult to obtain.

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Refusal of a Government officer to comply with a court order overruling a claim of executive privilege and ordering disclosure could lead to conviction for contempt. If the Government is a party, the court may penalize it for its failure to comply with a discovery order by invoking any of the sanctions set forth in Rule 37 (b) (2), Federal Rules of Civil Procedure. The court may, for example, prohibit the disobedient party from introducing designated matters in evidence, or it may enter a judgment by default against the disobedient party.

(Security pages attached)

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H 5 Desk - No.
4 Desk - No.
2 Desk - No.

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RR AFD

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FM DIRECTOR

TO ALL SAC'S ROUTINE

BT

CLEAR

TESTIMONY BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
SENATE GOVERNMENT OPERATIONS SUBCOMMITTEE.

TO AID FBIHQ IN RESPONDING TO QUESTIONS RAISED BY
CAPTIONED SUBCOMMITTEE, SUTEL BY SEPTEMBER 7, 1976, ATTENTION
SPECIAL INVESTIGATIVE DIVISION THE FOLLOWING: THE TOTAL
NUMBER OF INDIVIDUALS BEING SOUGHT CURRENTLY AS FUGITIVES
BECAUSE OF THEIR FAILURE TO APPEAR OF WHO OTHERWISE DEFAULTED
ON THE TERMS OF THEIR PRETRIAL RELEASE IN THOSE CRIMES OVER
WHICH THE FBI HAS PPIMARY INVESTIGATIVE JURISDICTION.

BT

Conrad
for Buded
Handled

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