

DATE: 11-14-2017

JFK Assassination System
Identification Form

Date: 3/31/201

Agency Information

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RECORD NUMBER : 124-10372-10084

RECORD SERIES : HQ

AGENCY FILE NUMBER : 62C-HQ-1029205-910

Document Information

ORIGINATOR : FBI
FROM : HQ
TO : WH

TITLE :

DATE : 08/16/1995
PAGES : 32

SUBJECTS :

JFKARCA OF 1992

DOCUMENT TYPE : PAPER, TEXTUAL DOCUMENT
CLASSIFICATION : Unclassified
RESTRICTIONS : 4
CURRENT STATUS : Redact
DATE OF LAST REVIEW : 03/04/1999

OPENING CRITERIA : INDEFINITE

COMMENTS : INC ARRB REPLY

DATE: 11-14-2017

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August 16, 1995

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

DECLASSIFIED BY: 5668 SLD/puds
CN 2/9/99 (SFF)

Re: FBI Appeal of JFK Assassination Records
Review Board Determination Concerning
Release of FBI Documents - August 8, 1995

Dear Mr. President:

After reviewing the Assassination Records Review Board's reply to my August 8th request for postponement of disclosure of certain portions of nine FBI documents, I believe it necessary to offer the following additional comments for your consideration.

First, the Board's analysis regarding disclosure of the information which would reveal its source as the Swiss government entirely misses the most salient point behind this portion of the appeal: the Swiss have, upon being asked, flatly refused to consent to its disclosure. That we may have disclosed some of the information at issue in years past under different circumstances does not now detract from the fact that the Swiss-- even when informed of the past disclosures--object strongly to its release today.

It is the current and future relationship between our two countries, not that of the past, that we seek to protect by requesting postponement. The resolve shown by the Swiss coupled with the views of the State Department outlined in the enclosure are, we believe, clear and convincing evidence that the Board's decision will compromise the current understanding of confidentiality that exists between our two countries if not

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Classified by: 38556
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- 9 -

(a). Exhibits 1 and 2.¹¹ "CI 291-S," "CI 300-S," and "CI 104-S" are symbol numbers for informants who provided information regarding the actions of leaders of the Communist Party-USA immediately before and after the assassination. They also reported to the FBI on the reactions of these leaders to the assassination and to contacts between their Party and the accused assassin, Lee Harvey Oswald.

From the first of these documents (Exhibit 1), the FBI wishes to withhold the symbol numbers and almost an entire page of the information the informants provided, while releasing two of the informants' file numbers: 134-63A and 134-229A. (The "134-" prefix designates a security informant file number.) Yet in the second document (Exhibit 2), the FBI releases all of the information provided therein, but withholds the same two informant file numbers released in the first document. As discussed further below, these contradictory results reveal the FBI's inconsistent application of its "principle" of informant protection.

In support of these inconsistent redactions, the FBI provided the Review Board with no document-specific evidence. The FBI did not provide the Review Board with the identities or present locations of these informants, or even any indication whether they are living or dead. In fact, the FBI provided no evidence whatsoever about these informants. Instead, it chose to "justify" its position by appealing to its institutional policies, and reiterating its contention, specifically rejected by the JFK Act, that there is a current need to keep this information secret, regardless of whether these informants are living or dead, active or inactive, safe or at risk.

Given the FBI's refusal to provide any evidence -- even information readily available in its own files for these informants -- regarding a current need to protect

¹¹See Assassination Record Number 124-10184-10256, FBI File Number CR 100-12583-473 (attached at Exhibit 1); Assassination Record Number 124-10244-10077, FBI File Number 105-2505-45 (attached at Exhibit 2). The latter assassination record is duplicated at the following locations: Assassination Record Number 124-10035-10065, FBI File Number 105-82555-648; Assassination Record Number 124-10243-10367, FBI File Number 105-38431-205; Assassination Record Number 124-10232-10345, FBI File Number 105-5070-18; Assassination Record Number 124-10170-10064, FBI File Number 100-10461-1241; Assassination Record Number 124-10006-10342, FBI File Number 105-7674-43.

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DATE: 11-14-2017

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- 10 -

identities, it is unnecessary under Section 6(4) to weigh the compelling public interest in disclosure against whatever harm the FBI imagines. Even so, the Board concluded that the public interest in "fully informing the American people about the history surrounding the assassination" of President Kennedy (JFK Act, Section 3(10)), will be substantially served by releasing these assassination records in full.

(b). *Exhibit 3.*¹² "HO 1125-C" is a symbol number for a criminal informant who provided, at the least, a tantalizing lead to the FBI. HO 1125-C, according to the assassination records that the FBI wishes to keep redacted, spoke on the phone with his (or her) long-time acquaintance, Mary Ann McCall, on November 25, 1963. HO 1125-C reportedly knew McCall to be a "'fixer' and 'pay-off contact' between Dallas police and criminal element."¹³ Their conversation turned to the events of the previous day, when Jack Ruby had killed Lee Harvey Oswald while Oswald was in police custody in the basement of the Dallas Police and Courts Building. McCall repeatedly told informant HO 1125-C that Oswald's death was not an "accident," but refused to elaborate beyond saying, "You know how it works." HO 1125-C was to see McCall while on a business trip to Dallas, attempt to get more information about Oswald's murder, and report back to the FBI.

The FBI wishes to redact the symbol number HO 1125-C, as well as McCall's name and occupation as hostess at the "Bachelor's Club" in Dallas -- all purportedly in order to protect its confidential relationship with HO 1125-C. Yet it has provided no evidence whatsoever as to whether HO 1125-C, whoever he or she may have been, may still require protection, or whether McCall still poses (or ever did pose) a threat to an exposed HO 1125-C. As explained above, at least some information relevant to these questions should be found in its own informant files for HO 1125-C. But rather than, at a minimum, consulting its own files for this informant, the FBI chose to rely on the assertions of a blanket need to protect every informant,

¹²See Assassination Record Number 124-10108-10142, FBI File Number 44-1639-299 (attached as Exhibit 3). This assassination record is duplicated at Assassination Record Number 124-10070-10354, FBI File Number 44-24016-329.

¹³Until specifically requested by the Review Board to provide evidence in support of its redactions in this document, the FBI had kept secret this characterization of McCall -- ostensibly to protect its confidential relationship with HO 1125-C.

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DATE: 11-14-2017

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- 11 -

regardless of individual circumstances, that Congress rejected in enacting the JFK Act.

Moreover, even if for some reason information about McCall might pose a threat to HO 1125-C, there is no basis for redacting it here because the FBI has already released the same information elsewhere. The Dallas Field Office copy of the document in question contains a handwritten cross-reference to "serial 1343." This notation is not redacted. Serial 1343 of the same Dallas file,¹⁴ which in turn refers back to the document at issue, contains the following unredacted notes:

Hostess: Batcher [sic] Club Dallas
Fixer
'Payoff Contact'
'No Accident'

Obviously, the other party to the phone conversation reported in the earlier serial -- described therein as a "fixer" and "pay-off contact" with the Dallas police and as the source of the story that Oswald's death was "no accident" -- was the hostess at the "Batcher Club" in Dallas.

Serial 1343 contains further handwritten information that has also been released to the public: the name "Marianne McCloskey," followed by an address and phone number. Plainly, the writer of this notation had concluded, or at least suspected, that Marianne McCloskey was the same person as HO 1125-C's "Mary Ann McCall." A researcher working only with documents in which "Mary Ann McCall" is redacted also could easily conclude that McCloskey was the source of the "no accident" story. Serial 1343 sets out a "lead" for the Dallas FBI to interview the woman who originated the story, and McCloskey is the only person whose name, address, and phone number is written on the document.

This haphazard application of the FBI's "principle" of protecting informants is by no means unique. The Review Board staff frequently has found duplicate

¹⁴Assassination Record Number 124-10075-10209, FBI File Number 44-1639-1343 (attached at Exhibit 11). FBI file 44-1639 is the Dallas Field Office's case file for Ruby's shooting of Oswald. (Redacted information highlighted in yellow and not yet reviewed by the Review Board.)

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