

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK ALLEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	81-1206.
)	
FEDERAL BUREAU OF INVESTIGATION,)	
et al.,)	
)	
Defendants.)	

DECLARATION OF ROBERT F. PETERSON

I, Robert F. Peterson, hereby declare as follows:

(1) I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I am presently assigned in a supervisory capacity to the Classification Appeals and Affidavits Unit at FBI Headquarters (FBIHQ). Among my responsibilities are the review of FBI information for classification purposes as mandated by Executive Order (EO)¹ and the preparation of affidavits/declarations in support of Exemption One claims asserted under the Freedom of Information Act (FOIA).² I have been designated by the Attorney General of the United States as an original Top Secret classification authority and declassification authority pursuant to EO 12356, Sections 1.2 and 3.1.

¹47 Fed. Reg. 14874 (1982) and 47 Fed. Reg. 15557 (1982).

²5 U.S.C. Section 552(b)(1).

(2) Thirty seven documents, previously furnished to the former House Select Committee on Assassinations, requested in whole or part by plaintiff, were made available to me for a classification/declassification review. As a result of my review, documents numbered 74, 152, 186, 198 and 301 were determined not to contain classifiable information. In addition, documents numbered 72, 129, 130, 131, 152, 199, 228, 256, 290 and 312 were partially declassified. Document Number 302, a report consisting of in excess of 200 pages was not reviewed in its entirety for classification, only lines 12, 13 and 14 of page 2 of the synopsis and page 147 of the report, which were declassified. This action was considered responsive to plaintiff's request for information previously provided to the former House Select Committee on Assassinations.

Although my review resulted in declassification of various pieces of information, such may continue to warrant withholding from plaintiff pursuant to other applicable exemptions provided for by the FOIA.

(3) This declaration addresses the remaining portions of the above documents, sought by the plaintiff, which have been withheld from disclosure in part pursuant to Exemption One of the FOIA. Justification for the assertion of other exemptions

provided for by the FOIA concerning information contained in these documents is set forth in the public declaration of SA David R. Liberman. Attached as Exhibit R to the declaration of SA Liberman is a redacted copy of each of the thirty-seven documents subject to my classification/declassification review.

(4) Exemption One of the FOIA provides, "this section does not apply to matters that are - (1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." 5 U.S.C. 552(b)(1). Thus, before an Exemption One claim can be made for withholding agency records, it must be determined that the information contained in those records comes under the umbrella of an Executive order dealing with the classification and protection of information affecting the national security,³ and that the substantive and procedural criteria of the Executive order have been followed. EO 12356, effective August 1, 1982, is the Executive Order that presently

³ "National Security" is defined in EO 12356 at Section 6.1(e).

applies to the protection of national security information, and it is to the requirements of this Order that I am bound when making classification determinations.

(5) Information is properly classified, and thus properly withheld from disclosure pursuant to Exemption One, when it falls within one or more of the ten categories enumerated in EO 12356 (Section 1.3(a) 1-10) and "when an original classification authority also determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security." EO 12356, Section 1.3(b). In addition to the foregoing substantive requirements, procedural and administrative requirements of EO 12356 must be followed before information can be considered to be properly classified. These procedural requirements as set out at Section 1.5 of EO 12356 and include, e.g., requirements for the proper identification and marking of documents, avoidance of certain prohibited practices, specification of the agency and office of origin, and so forth.

(6) With the above requirements in mind, I personally examined the information contained in the documents sought by

plaintiff. I concluded that such information came within the purview of the following categories enumerated by EO 12356, Section 1.3(a); namely, Section 1.3(a)(3), foreign government information; Section 1.3(a)(4), intelligence activities or intelligence sources or methods; and Section 1.3(a)(9), a confidential source.

(7) It is my judgment that disclosure of the information contained in these documents, which relates to the above-described classification categories, could result in damage to the national security. I therefore exercised my prerogative as an original Top Secret classification authority and designated this information as classified in the interest of national security and directed that Exemption One of the FOIA be asserted to prevent disclosure.

(8) With respect to the documents which I determined were classified in part, I ensured that the procedural requirements of EO 12356 were complied with. I made certain, inter alia, that: (a) the face of each document was marked as

required and stamped with the proper classification;⁴ (b) each document was clearly marked to indicate classified and unclassified portions;⁵ (c) the limitations on classification were adhered to;⁶ (d) the declassification policies set forth in EO 12356, Section 3.1 have been followed, (in this regard I have determined that information contained in the documents which I have determined to be classified, continues to warrant such classification despite the passage of time); and (e) any reasonably segregable portions of the classified documents that did not require protection have been declassified and marked for release,⁷ unless otherwise exempt.

⁴ EO 12356, Section 1.5(a)(1)-(4). Documents determined to be classified were marked pursuant to the authority of original Top Secret authority (OTSCA) 1678/RFP, either at the "Confidential" or "Secret" level, on May 5, 1987, with the notation "OADR", originating agency's determination required.

⁵ EO 12356, Section 1.5(b).

⁶ EO 12356, Section 1.6.

⁷ 5 U.S.C. Section 552(b) provides in part: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection."

(9) Having made the above determinations, I assert and rely upon the provisions of FOIA Exemption One on behalf of defendant FBI to withhold from disclosure those portions of the FBI documents sought by plaintiff which have been properly classified in accordance with EO 12356.

(10) In accordance with the requirements of Vaughn v. Rosen, 484 F.2d 820 (1973), cert. denied, 415 U.S. 977 (1974), the classified information withheld from plaintiff pursuant to Exemption One of the FOIA is itemized, indexed, and justified as follows:

(a) Document Number 72. This document is described as an airtel from Special Agent in Charge (SAC), Washington Field Office (WFO) to Director, FBI, dated February 26, 1964, and captioned in part "Yuri Ivanovich Nosenko." The document comprises 12 pages of which plaintiff has designated pages 1 through 5 and pages 11 and 12 be made subject to a Vaughn declaration.

Information classified on the designated pages includes:

Page 1, informant file number which appears in the "From" line;

2) Characterization of the subject of investigative interest which appears in the bracketed portion of line 2 of the subject matter;

3) Paragraph 2 contains the identity of interviewing agents and information of a personal nature concerning the source;

4) Bracketed portion in lower left corner which contains the initials of the agent who dictated the communication (identical to one of the interviewing agents) and stenographer;

Page 2

1) Brackets, upper left-hand corner of the page, contain an informant file number;

Page 3

1) Brackets, upper left-hand corner of the page, contain an informant file number;

Page 4

1) Brackets, upper left corner of the page, contain an informant file number;

2) Bracketed portion, heading, below paragraph 2 and paragraph 3, which continues on page five concern an intelligence matter unrelated to Lee Harvey Oswald;

Page 5

1) Brackets, upper left-hand corner of the page, contain an informant file number;

2) Paragraph 1 is further information concerning the unrelated intelligence matter referred to above;

Page 11

1) Brackets, upper left-hand corner of the page, contain an informant file;

2) Paragraphs 1 through 6 concern intelligence or administrative matters unrelated to Lee Harvey Oswald;

Page 12

1) Brackets, upper left-hand corner of the page, contain an informant file number; and

2) Paragraphs 1 and 3 contain administrative data pertaining to the source, unrelated to Lee Harvey Oswald. Paragraph 2, also unrelated to Lee Harvey Oswald, identifies a target of investigative interest.

Set forth below is the justification for classification of the foregoing items of information.

1) Informant file number. It was classified pursuant to EO 12356, Section 1.3(a), intelligence activities or intelligence sources and methods. The file number is considered a singular source identifier which is defined as any word, term or phrase which could identify an intelligence source, either released by itself or in the aggregate. This includes true names of sources, code names, numerical designators, file numbers, etc.

Each informant is assigned a file number by the FBI field office from which the source is operated which remains constant. It routinely appears on all documents reporting raw intelligence information. It may also appear on subsequent documents created to disseminate the raw data into pertinent subject files. Knowledge of the identity of the source's file number, when combined with other bits and pieces of information which may be disclosed on a document which reports information furnished by the source could allow a hostile analyst, armed with inside information, to determine the source's identity. In addition, such disclosure may reveal U. S. Intelligence community intelligence/counterintelligence areas of interest, goals and objectives and extent of knowledge concerning intelligence/counterintelligence matters.

Disclosure would thus allow hostile assessment of areas and targets which have been compromised or not compromised, and allow countermeasures to be implemented, making future intelligence operations more difficult resulting in serious damage to the national security. Damage to the national security resulting from disclosure of the source's identity is discussed at Paragraph 10(g), infra.

2) Characterization of a subject of investigative interest. This information was classified pursuant to EO 12356,

Section 1.3(a)(4), intelligence activities or intelligence sources or methods.

This information specifically identifies the focus of an ongoing intelligence activity. To reveal this investigative interest, in the context in which it appears in this instance, could reasonably be expected to cause serious damage to the national security in the following ways based upon information previously available to hostile entity: 1) negate U. S. intelligence community intelligence/counterintelligence collection initiatives; and 2) cause hostile entity to adopt countermeasures to nullify information obtained concerning their intelligence/counterintelligence activities.

Identity of interviewing agents and dictator and stenographer initials. This information was classified pursuant to EO 12356, Section 1.3(a)(4), intelligence activities or intelligence sources and methods.

The basis for classification of this information is parallel to the classification of informant file numbers discussed, supra. The names of the interviewing agents and initials of the dictator and stenographer may appear on a series of communications created as intelligence information was received from the intelligence source through a series of interviews. In essence, the information serves as a singular

identifier which, if disclosed, when combined with other information released on documents will pinpoint the source and reasonably may be expected to cause the types of damage previously described, supra, in discussing informant file numbers.

4) Information of a personal nature concerning an intelligence source. This information was classified pursuant to EO 12356, Section 1.3(a)(4), intelligence activities or intelligence sources and methods.

The substance of the information contained in this paragraph is of such personal nature that its disclosure may increase the source's vulnerability, resulting in an overall chilling effect on the climate of cooperativeness with respect to intelligence sources, both current and prospective. Intelligence sources are essential to the intelligence community if it is to effectively fulfill its mission and any event which discourages their cooperation will effectively hamper U. S. intelligence collection activities resulting in serious damage to the national security.

5) Intelligence matters. (Heading and paragraph 3, page 4 continued through page 5.) This information was classified pursuant to EO 12356, Section 1.3(4) and concerns intelligence information unrelated to the subject of this request.

The information specifically identifies an intelligence collection technique utilized by hostile entity. Disclosure of this information could reasonably be expected to cause serious damage to the national security by causing the hostile entity to alter this approach to intelligence collection thereby making it more difficult for the intelligence community to counter such initiatives.

6) Intelligence and Administrative matter. (Page 11, paragraphs 1 through 6.) This information was classified pursuant to EO 12356, Section 1.3(a)(4), intelligence activities or intelligence sources and methods.

Paragraphs 1 through 5 identify intelligence activities which if disclosed, would reveal particular intelligence interests, or the extent of knowledge of particular targets of intelligence or counterintelligence interest. Release would allow hostile assessment of targets which have been compromised or not compromised, allow countermeasures to be implemented thereby making future intelligence operations more difficult. This could reasonably result in serious damage to the national security.

Page 11, paragraph 6, involves administrative data concerning the source. It identifies future activities of the source which if disclosed, would reveal, to some extent, contacts

with the source and the identities of intelligence community participants. This information, in the hands of a hostile entity, would permit assessment of the scope of cooperation and, in turn, information which has or has not, in all probability, been compromised. This may cause the hostile entity to reverse, alter, or completely change its intelligence/counterintelligence approaches making more difficult U. S. intelligence community intelligence/counterintelligence initiatives.

7) Intelligence and Administrative Matters. (Page 12, paragraphs 1 through 3.) This information was classified pursuant to EO 12356, Section 1.3(a)(4), intelligence activities or intelligence sources or methods.

The information contained on this page is similar in content to the information on page 11 and is classified for the reasons stated in addressing that information.

(b) Document Number 74. This is a one page memorandum dated March 18, 1964, captioned in part "George De Mohrenschildt." Lines 4 and 5, paragraph 2, previously classified in part, were declassified on May 5, 1987.

(c) Document Number 76. This document, one page, is identified as referring to "The Scott Report" and contains 8 numbered paragraphs. It was classified pursuant to E.O. 12356, Section 1.3(a)(4).

Classification is limited to paragraphs numbered 2 and 7 which contain specific information which identifies an intelligence activity and/or method.

Intelligence activities and/or methods includes inter alia: 1) information that could reveal or identify a present, past or prospective intelligence method used or being developed to acquire foreign intelligence or foreign counterintelligence information or to support an intelligence source operation or activity; and 2) information that could reveal, jeopardize or compromise a procedure or system used or proposed for the collection of intelligence information.

An intelligence activity, source or method requiring classification has two general characteristics. First, the intelligence activity, source or method and information generated by it is required by the U. S. intelligence community to carry out its mission. Second, confidentiality must be maintained with respect to the activity, source, or method and information provided by it, if its viability, productivity and the usefulness of its information is to be preserved.

Disclosure of information concerning intelligence activities, sources or methods may result in damage to the national security in various ways including: 1) its disclosure could reveal the existence of a particular intelligence or

counterintelligence investigative operation; 2) disclosure could reveal the nature or scope of the intelligence or counterintelligence initiative; and 3) disclosure could reveal a particular method utilized to obtain intelligence or counterintelligence information. Such disclosure would allow hostile assessment of areas and targets which have been compromised or not compromised, allow countermeasures to be implemented, making future intelligence operations more difficult and compromise other ongoing and planned intelligence operations. The occurrence of any of the above events could reasonably be expected to hamper U. S. intelligence community collection abilities, resulting in serious damage to the national security.

(d) Document Number 77. This a draft response to an inquiry comprising 35 pages of which only page 33 is pertinent. It was classified pursuant to EO 12356, Section 1.3(a)(4).

Classification of page 33 is confined to the bracketed portion of lines 1 and 2.

The classified information pertains to an intelligence activity and/or method and was classified for the reasons stated in Paragraph 10(c), supra.

(e) Document Number 92. This is an internal memorandum dated September 18, 1975, to Mr. Callahan. It was classified pursuant to EO 12356, Section 1.3(a)(4).

At page 6, classification is limited to the bracketed portion of lines 1 through 9 which contain specific information about or from an intelligence activity and/or method. This information was classified for the reasons stated in Paragraph 10(c), supra.

(f) Document Number 93. Memorandum from Gale to Tolson dated December 10, 1963, and captioned "Lee Harvey Oswald, Internal Security-R." It was classified pursuant to EO 12356, Section 1.3(a)(4).

Page 4 of this document was reviewed for classification which determined that paragraph 1, bracketed portion contained in lines 1 and 2 contain specific information about an intelligence activity and/or method. This information was classified for the reasons stated in Paragraph 10(c), supra.

(g) Document Number 98. This is a three-page memorandum to Mr. Belmont dated May 12, 1964.

Classification of information contained in this document includes:

Page 1

(1) Paragraph 6, bracketed portion in line 8;

Page 2

(1) Paragraph 2, bracketed portion in lines 2 through 4;

(2) Paragraph 4, bracketed portions in lines 6, 7, 11, 12, 13, and 14; and

(3) Paragraph 6, bracketed portion in lines 1 through 3.

The bracketed information at Page 1, classified pursuant to EO 12356, Section 1.3(a)(4), contains the location of an intelligence activity and/or method and was classified for the reasons stated in Paragraph 10(c), supra.

The bracketed information at Page 2, classified pursuant to EO 12356, Section 1.3(a)(4), contains symbol numbers for intelligence sources and descriptive information pertaining to or provided by these sources which, if released, would identify these sources.

The symbol number is unique to a particular source. Source symbol numbers are assigned sequentially and are usually prefixed with the geographic location of the FBI field office from which the source is operated. They are used in place of an intelligence source's true name, thereby limiting knowledge of the source's identity to only those who actually possess knowledge of the correlation of the symbol number to the source's identity. This practice prevents a breach of security in intelligence operations from being more serious should a document containing intelligence information fall into the hands of unauthorized persons.

However, disclosure of intelligence source symbol numbers in the aggregate makes it possible for a hostile analyst to attribute particular pieces of information to particular intelligence sources. Disclosure of a source symbol number contained in a series of documents would permit a hostile analyst to correlate the documents and whatever information that can be gleaned from the documents to a particular source. The accumulation of such information correlated to a source symbol number could result in exposure of the source's identity. By matching source symbol numbers and bits and pieces of information, a hostile analyst, using deductive reasoning and inside knowledge could discern the true identity of the intelligence source.

The information classified in this instance, in addition to the source symbol numbers, would not necessarily require the analysis described above as it, in two of the three classified portions, specifically identifies a source.

The information also classified on this page, while not specifically identifying the source, is of the nature which could lead to source identification. Information in this category is either specific or unique as for example, it may pinpoint a special vantage point from which the source is or was reporting. It is the degree of specificity of the information provided by the source which could endanger the source's anonymity.

Exposure of an intelligence source can result in termination of the source's services; exposure of intelligence/counterintelligence operations; modification or cancellation of future intelligence gathering activities; hostile intelligence services' evaluation of the number and objectives of intelligence sources targeted against them, followed by appropriate countermeasures; and an overall chilling effect on the climate of cooperativeness with respect to intelligence sources, both current and prospective whose willingness to furnish information, at the risk of criticism, loss of status or job, etc., would likely be diminished. Intelligence sources are critical to the intelligence community in fulfilling its responsibilities. Disclosure of intelligence source identities would seriously hamper U. S. intelligence collection efforts to the detriment of the national security.

(h) Document Number 99. This is one-page letter to J. Lee Rankin, dated June 15, 1964. It was classified pursuant to EO 12356, Section 1.3(a)(4).

The classified information includes paragraph 1 and the bracketed portion of lines 2 through 5 of the paragraph beneath the "note". It identifies a source symbol number and provides distinct information provided by the source, which if disclosed, would reveal the source's identity. This information was classified for the reasons stated in Paragraph 10(g), supra.

(i) Document Number 102. This is a two-page memorandum from Baumgarder to Sullivan. It was classified pursuant to EO 12356, Section 1.3(a)(4).

*Did not
get in
EXR*

Information classified includes:

Page 1

- 1) the date appearing in the upper right portion of the page;
- 2) the subject matter line;
- 3) Paragraphs 1 through 5, the latter continued on Page 2;
- 4) Bracketed file numbers in the lower left portion of the page;

Page 2

- 1) Bracketed portion in the "Re:" line; and
- 2) Bracketed file number in line 3 in the upper-left portion beneath the "Re:" line.

The classified portions contain the date of the communication, a code word for an intelligence source, a symbol number for an intelligence source, information provided by the source and an informant file number for an intelligence source.

The date on which an intelligence source reported is information that could identify a specific intelligence activity and could also identify the intelligence source. Specific

activities reported on by intelligence sources occur at specific places on specific dates which are well known by the subjects of the investigation. The exposure of the time period combined with other information can lead to exposure of the source resulting in damage to the national security described at Paragraph 10(g), supra.

A code word for an intelligence source, like an intelligence source symbol number, is used to protect the source's identity, and, can, if disclosed, lead to disclosure of the source. This was previously described in addressing Document Number 98, Paragraph 10(g), supra, and was classified for the reasons stated therein.

Likewise, the rationale for classification of source symbol numbers and information provided by such sources was addressed at Paragraph 10(g) and was classified for the reasons stated therein.

Classification of informant/source file numbers was previously addressed in discussing Document Number 72, Paragraph 10(a), supra, and was classified for the reasons stated therein.

(j) Document Number 111. This is a two-page letter to J. Lee Rankin dated June 17, 1964. It was classified pursuant to EO 12356, Section 1.3(a)(4).

Classification of information contained in this document includes:

Page 1

- 1) Paragraph 3, bracketed portion of lines 2 through 12;
- 2) Paragraph 4, bracketed portion, lines 2 through 3, which continues on page 2; and

Page 2

- 1) continuation paragraph from page 1.

The classified information on page 1 and a portion of page 2 is specific information provided by an intelligence source which, if disclosed, could identify the source. The remaining classified information on page 2 contains observations by the FBI concerning the source's information, which, if disclosed, could also identify the source.

As noted at Paragraph 10(g), supra, information provided by an intelligence source may be so specific or unique to the source that its disclosure would identify the source. The information, for example, may be the product of a one-on-one conversation or it may be known to relatively few individuals. It is the degree of specificity or uniqueness which makes its disclosure tantamount to identifying the source and resulting in the damage to the national security described at Paragraph 10(g), supra.

(k) Document Number 129. This is a four-page memorandum from Legat, Mexico City to Director, FBI, captioned in part "Samuel Giancana, aka," dated September 29, 1972. It was classified pursuant to EO 12356, Section 1.3(a)(4).

Classification of this document includes:

Page 2

- 1) Paragraph 2, bracketed portion of lines 1 through 6;
- 2) Paragraph 5, in its entirety;

Page 3

- 1) Paragraph 1, in its entirety;
- 2) Paragraph 2, bracketed portion in line 1;
- 3) Paragraph 3, bracketed portion in line 1;
- 4) Paragraph 4, in its entirety; and

Page 4

- 1) Paragraph 1, bracketed portion in line 1.

The classified information contained in this document identifies source symbol numbers, and information provided by intelligence sources, including a source in a third country, which, if disclosed could identify the sources.

The information was classified based on the rationale and damage to the national security cited in addressing Paragraph 10(g), supra.

(l) Document Number 130. This is a four-page memorandum from Legat, Mexico City, to Director, FBI, captioned in part "Richard Scalzitti Cain, aka" and dated March 18, 1974. It was classified pursuant to EO 12356, Section 1.3(a)(4).

Information classified in this document includes: Page 1, paragraph 6, in its entirety, which contains a symbol number for an intelligence source and information provided by the source; and page 3, paragraph 7, in its entirety, which contains information provided by the same source.

The above information was classified for the reasons cited at Paragraph 10(g), supra.

(m) Document Number 131. This is a one-page memorandum from Legat, Mexico City, to Director, FBI, captioned in part "Richard Scalzitti Cain, aka" and dated May 16, 1974. It was classified pursuant to EO 12356, Section 1.3(a)(4).

Information classified in this document appears in paragraphs 3, 4, 5 and 6, which were classified in their entirety, as they contain a symbol number for an intelligence source and pertinent information provided by the source.

The above information was classified for the reasons cited at Paragraph 10(g), supra.

(n) Document Number 132. This is a one-page memorandum from Legat, Mexico City, to Director, FBI, captioned in part

"Richard Scalzitti Cain, aka" and dated June 26, 1974. It was classified pursuant to EO 12356, Section 1.3(a)(4).

Classification is limited to paragraph 2 which contains a symbol number for an intelligence source and information provided by the source which is source identifying.

This information was classified for the reasons cited at Paragraph 10(g), supra.

(o) Document Number 152. This is a report from Miami dated January 10, 1973, captioned in part "ITSMV-Conspiracy-Ring Case" of which only the synopsis, pages 1 and 2 are pertinent. This information, previously classified in its entirety, has been declassified.

(p) Document Number 166. This one-page document has been classified in its entirety. Paragraphs 1, 2, 3 and 4 contain information originated by another government agency and has been referred for their appropriate handling. The remaining information on the document, to include dates, identities of FBI personnel involved, the subject line, which includes a description of the nature of the investigation and file number, was classified by the FBI to protect the intelligence activity involved pursuant to EO 12356, Section 1.3(a)(4).

Disclosure of this type of information, especially the subject line and file number, which is synonymous with the

subject matter of the operation, will identify or could lead to the identification of the intelligence activity involved. Disclosure of the identities of the personnel involved may lead to the identity of the target involved as well as the identity of the agency conducting the operation. Likewise, the time frame becomes critical as the activity may have been successful in establishing a source of foreign intelligence. The information surrounding the substance of the communication, i.e., bits and pieces of information, when combined with what is already known may lead to the disclosure of the intelligence activity involved.

(q) Document Number 186. This is three-page memorandum from SAC, Miami, to Director, FBI, captioned in part "Unknown Subjects; Explosion Aboard B-25 Cargo Aircraft" and dated May 13, 1968 and an attached eight-page letterhead memorandum, same caption, same date. Information previously classified at page 2, of the cover communication, line 1, paragraph 5, page 1 of the letterhead memorandum, paragraph 1 and page 4 of the letterhead memorandum, paragraph 1, previously classified, have been declassified.

(r) Document Number 198. This is an 16-page report at Mexico City, dated August 6, 1946, and captioned in part "James Weinberg, with aliases, et al.," Information previously classified at page 1, brackets, fifth line under "Reference" has been declassified.

(s) Document Number 199. This document actually consists of two documents maintained in FBIHQ file 105-165503. The first document is identified as pages 1, 2 and 3 on the "FOI/PA Deleted Page Information Sheet." Classification of information in this document includes:

Page 1

1) Paragraphs 2 and 3, continued to page 2, in their entirety, which contain information provided to or received from a foreign government; and

2) Page 2, final paragraph, bracketed portion in line 1 which contains a symbol number assigned to an intelligence source.

The second document is identified as pages 204 and 205 on the "FOI/PA Deleted Page Information Sheet." Classification of information in this document includes:

Page 1

1) Paragraphs 2 and 3, in their entirety, which contain information received from a foreign government; and

Page 2

1) "Note", bracketed portion in lines 3 through 5; and

2) Paragraph 2, in its entirety. These portions contain information provided by a foreign government.

EO 12356, Section 6.1(d) defines foreign government information as:

"(1) information provided by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, the source of the information, or both, are to be held in confidence; or (2) information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence."

DAMAGE TO THE NATIONAL SECURITY REASONABLY EXPECTED
TO RESULT FROM THE UNAUTHORIZED DISCLOSURE
OF FOREIGN GOVERNMENT INFORMATION

EO 12356, Section 1.3 (a) (3) authorizes the classification of foreign government information, and Section 1.3(c) contains the rebuttable presumption that the "unauthorized disclosure of foreign government information... is presumed to cause damage to the national security." EO 12356 thus recognizes that the free exchange of information among United States intelligence and law enforcement services and their foreign counterparts is generally predicated upon the understanding that such liaisons or the information exchanged via these liaisons or both be kept in confidence. This is because most governments, unlike that of the United States, do not officially acknowledge the existence of certain of their intelligence and security services, much less the scope of their activities, and also because the information itself may be sensitive in nature.

The release of official United States Government documents that would evidence the existence of a confidential cooperative relationship with a foreign government could reasonably be expected inter alia to strain relations among the United States and foreign governments and lead to diplomatic, political or economic retaliation. At the very least a breach of a confidential relationship could be expected to produce a chilling effect on the free flow of vital information to United States intelligence and law enforcement agencies, thereby reducing their effectiveness. Admittedly, in some cases these confidential relationships may be widely reported; however, they are not officially acknowledged.

Disclosure of information received in confidence by the United States from a foreign government predictably will result in careful analysis of the information by hostile intelligence services. As a result, sensitive information could be compromised. For example, hostile counterintelligence may be able to uncover friendly foreign intelligence gathering operations targeted against the hostile government or its allies. This in turn could lead to the neutralization of friendly foreign intelligence activities or methods and even the death of live sources. Disclosure of foreign government information could also cause embarrassment to the supplier of the information and could

provoke diplomatic, economic, or military retaliation against both the supplier and the United States.

Even if the government from which certain information is received is not named in or identifiable from the material it supplies, the danger remains that if the information was to be made public, the originating government would likely recognize the information as material it supplied in confidence. Thereafter, it would likely be reluctant to entrust the handling of its information to the discretion of the United States. The occurrence of any one of the above events could reasonably be expected to cause damage to the national security.

The informant symbol number was classified for the reasons cited at Paragraph 10(g), supra.

(t) Document Number 226. This is a nine-page report from FBI, Dallas dated May 12, 1960, and titled "Funds Transmitted to Residents of Russia."

Classification pursuant to EO 12356, Section 1.3(a)(4), is limited to Cover Page A, last paragraph, with continuation on Cover Page B. This portion identifies an intelligence activity. It was classified for the reasons stated at Paragraph (10)(c), supra.

(u) Document Number 227. This document, comprising 23 pages, of which pages 1, 2 and 3 are pertinent, has been

classified in its entirety. Information classified includes:
1) file numbers; 2) dates and subject matter of an intelligence activity file; 3) a description of the scope of the investigation; and 4) specific information about or from the intelligence activity involved, which is currently of investigative interest.

The information was classified pursuant to EO 12356, Section 1.3(a)(4) for the reasons stated in addressing Document Number 76, Paragraph 10(c), supra, and Document Number 116, Paragraph 10(p), supra.

(v) Document Number 228. This document comprises two pages, a cover communication from SAC, Dallas, to Director, FBI, dated August 26, 1968, and a letterhead memorandum, one page, same date. Classification, pursuant to EO 12356, Section 1.3(a)(3), foreign government information, is limited to the bracketed portion at the bottom of page 1.

The classified portion identifies an entity of a foreign government, in a confidential relationship with the United States, and is classified for the reasons stated at Paragraph 10(s), supra.

(w) Document Number 249. This is a two-page memorandum from the Director, FBI, to the Attorney General, captioned in part "Assassination of President John Fitzgerald Kennedy" and dated January 18, 1968.

Classification of information contained in this document, pursuant to EO 12356, Section 1.3(a)(4), includes:

Page 1

Page 1

- 1) Paragraph 2, bracketed portion in lines 3 through 6;
- 2) Paragraph 3, classified in its entirety; and

Page 2

- 1) Paragraphs 1 and 2, in their entirety.

The classified portions contain a symbol number assigned to an intelligence source and information pertaining to or provided by this source. It was classified for the reasons set forth in Paragraph 10(g), supra.

(x) Document Number 250. This is a one-page memorandum addressed to "Mr. Moore" dated May 28, 1976.

Classification of this document, pursuant to EO 12356, Section 1.3(a)(4), is limited to paragraph 1, bracketed portion contained in lines 5 through 17. This information pertains to statements concerning an intelligence source, although not accurate, do identify an intelligence source and/or method and was classified for the reasons cited at Paragraph 10(c), supra.

(y) Document Number 251. This is a two-page memorandum from Ryan to Basset caption "Lee Harvey Oswald" and dated May 9, 1978.

The information classified pursuant to EO 12356, Section 1.3(a)(4), includes page 1, paragraphs 3 and 4. These portions contain specific information identifying an intelligence source, the nature of the information received from the source at that time, and observations concerning the information. The

Classification of this information is asserted for the reasons cited at Paragraphs 10(c), (g) and (j), supra.

(z) Document Number 254. This is a three-page letterhead memorandum, classified in its entirety including:

Page 1

- 1) Paragraphs 1, 2, 3 and 4;

Page 2

- 1) Paragraphs 1, 2 and 3, continued to page 3; and

Page 3

- 1) Paragraphs 1 and 2.

The information, classified pursuant to EO 12356, Section 1.3(a)(4), contains detailed information provided by an intelligence source which relates generally to Russian reaction to the assassination of President Kennedy. It was classified for the reasons cited at Paragraphs 10(g) and (j), supra.

(aa) Document Number 256. This is a two-page memorandum from Branigan to Wannall, captioned in part "Lee Harvey Oswald" and dated June 14, 1974.

Information classified in this document, pursuant to EO 12356, Section 1.3(a)(3), includes page 1, paragraphs 1 through 4, with continuation of the latter on page 2.

These portions contain foreign government information and specifically identify the foreign entity from which the information originated. Classification is asserted for the reasons cited at Paragraph 10(s), supra.

(bb) Documents Number 287 and 288. Classified portions of Document Number 287 include:

Page 1

- 1) Paragraphs 2 and 3; and
- 2) Paragraph beneath the "Note", bracketed portion of lines 7 through 10.

Classified portions of Document Number 288 include:

Page 1

- 1) Beneath the subject of the investigation, bracketed lines 3 and 4;
- 2) Paragraph 2;
- 3) Bracketed portion in the right margin;

Page 2

- 1) Paragraphs 3, 7, 8 and 9, with continuation on page 3; and

Page 3

- 1) Paragraph 1.

The withheld portions of these two documents, classified pursuant to EO 12356, Section 1.3(a)(4), contain information pertaining to the description of the scope of an ongoing intelligence program; the purpose of the program with specific instructions concerning procedures to be followed in conducting investigations pursuant to the program; and the subject of and file number assigned to this program.

The information withheld in these documents relates to an intelligence activity and was classified for the reasons cited at Paragraph 10(c), supra.

(cc) Document Number 290. This is a one-page airtel from Legat, London, to Director, FBI, captioned in part "Michael Ralph Paine" and dated February 5, 1964.

The information classified, pursuant to EO 12356, Section 1.3(a)(3), includes paragraphs 1, 2 and 3. These portions contain information provided by a foreign government and the identity of an entity of the foreign government which provided the information. The information was classified for reasons cited at Paragraph 10(s), supra.

(dd) Document Number 301. This is a 183-page report captioned "Nathan Gregory Silvermaster" dated June 5, 1946, of which page 113, paragraph 3 is pertinent and which has been declassified.

(ee) Document Number 302. See explanation at Paragraph 2, supra, for this document. It was not reviewed for classification in its entirety, only those portions which referred to William Gaudet, which were declassified.

(ff) Document Number 310. This is the front page to a report captioned in part "Ramparts Magazine, Inc." and dated June 16, 1967.

Classification, pursuant to EO 12356, Section 1.3(a)(4), is limited to paragraphs under the caption "Administrative." These portions contain the identities of a national security source and an entity of a foreign government and advises how information received from these sources will be addressed in the body of the report.

Information withheld concerning the national security source was based upon the rationale previously cited at Paragraphs 10(g) and (j), supra. Information concerning the identity of a foreign entity was deleted for the reasons stated at Paragraph 10(s), supra.

(gg) Document Number 312. This is a five-page memorandum from Director, FBI, to SAC, New York, captioned in part "Espionage-R-French" and dated July 13, 1948.

Classification of information in this document, pursuant to EO 12356, Section 1.3(a)(9), a confidential source, includes page 1, paragraphs 1, 2, 3 and 4, and page 2, paragraph 1. These portions contain detailed information provided by a confidential source relating to espionage activities in France during 1948.

EO 12356, Section 6.1(f) defines a confidential source to mean "any individual or organization that has provided, or that may reasonably be expected to provide information to the United States on matters pertaining to the national security with the expectation, expressed or implied, that the information or relationship, or both, be held in confidence."

The withheld information from this source is specific in nature and its release may disclose the sources' identity and violate the confidentiality under which it was furnished. Disclosure of identity could, as noted at Paragraph 10(a), supra, produce a chilling effect on intelligence collection by reducing the climate of cooperativeness with respect to sources, both current and prospective unwilling to risk exposure with its potentially detrimental consequences.

(hh) Document Number 313. This is a two-page letter to the Director, FBI, from Glenn H. Bethel re "Tolstoj" and dated July 13, 1949.

Information classified, pursuant to EO 12356, Section 1.3(a)(3), includes:

Page 1

- 1) Bracketed portion above paragraph 1;
- 2) Paragraphs 1 and 2, with continuation on Page 2;

and

Page 2

- 1) Paragraphs 1, 2 and 3.

The classified portions contain the identity of an entity of a foreign government who provided the information contained in the document.

It was classified for the reasons cited at Paragraph 10(s), supra.