

Standards and Policies For  
Disclosure of Los Angeles Police Files  
on RFK Assassination

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LAPD files on the Robert F. Kennedy assassination are not simply records of a criminal investigation but are the definitive record of a national historical tragedy. Because the import of these records transcends the importance of individuals involved in the case and relates to the integrity of the judicial and law-enforcement processes as well as to historical truth, the public interest dictates broad disclosure.

As stated by several commissioners, disclosure should be as extensive as possible, and everything not legally prohibited from disclosure should be disclosed. Specific reason(s) for withholding material should be clearly indicated. An appeal/review procedure should be created, by which the appropriateness of withholdings or deletions can be monitored. The exemption from disclosure of part of a page (or of pages of a document) should not prevent the release of the rest of the page or document.

Disclosure Policies

1. Documents and materials originating with other agencies.

This category should be small, considering the disclosure by FBI and the L.A. DA's office. If the other-agency material is 10 pages or more, the commission should request of the outside agency

permission to disclose; if less than 10 pages, individual researchers or requestors should make the request.

2. Names, addresses, and telephone numbers are not considered confidential by FBI in its releases and should be released.
3. Arrest records - Have been released by DA; are sometimes released by FBI. Does privacy law forbid this?
4. "Unproductive" or "dead-end" leads should not be withheld simply because they appear not to have been related to the Police Department's central conclusions in 1968. Such material is of interest to a variety of researchers.
5. Gossip and wild speculation does not constitute private or confidential material simply by the fact that it is gossipy or speculative, and such material should be disclosed (libel suits against the disclosing agency?)
6. Third party references are not regularly deleted in federal disclosure processes, unless they fall into a specific category of exemption (protection of investigative sources) and should not be deleted in this case.
7. Material exempted from disclosure in order to preserve the confidentiality of investigative sources should only be withheld if confidentiality was clearly and demonstrably granted by the original interviewing agency; such material should not be exempted on speculation or on the assumption that confidentiality might have been granted.

Such material should be withheld not on speculation but only in circumstances where a law-enforcement officer has personal knowledge that release would cause harm to a source or would breach a specific confidence.

8. Autopsy photographs and medical records should not be generally released but should be made available for review by researchers with bona fide credentials upon request to the Commission or archival custodian.

9. Data of a personal nature (veracity in lie detector tests, sexual conduct or habits, sensitive associations) should not be deleted generally or regularly and should be withheld only in cases clearly unrelated to the substance of the case or clearly and currently damaging to the party(s) involved. Where the individual is deceased or waves his or her right to privacy, the exemption is waved, as it is if the data was previously made public in a book, newspaper, or broadcast or by previous disclosure by a governmental agency(?) Merely because a document is labeled "medical" or "personal" is not sufficient for exemption from disclosure. Following the federal FOIA, such material should be withheld only if disclosure "would constitute a clear and unwarranted invasion of privacy."

After 17 years, privacy concerns are no longer or salient as they were in 1968. The public interest served by disclosure as well as extensive previous disclosure by FBI, L.A. District attorney's office and in books and articles serve to diminish the privacy problem. Since the historical import of the records requires that disclosure have priority over speculative notions that someone might be harmed by release of material which is

17 years old, privacy should only qualify as a reason for withholding in cases where the individual's life is threatened or cases of extreme embarrassment, and only if the material has not previously been disclosed.

10. Materials relating to current and pending law-enforcement cases should be withheld only if they clearly relate to an active investigation or administrative proceeding. Such material should be minimal given the age of these records.

11. "National security" should be a minimal problem since this was a domestic political investigation with little or no international or intelligence dimensions. Material should be withheld only if a clear damage to national security is perceived by a federal-level agency. Since LAPD has no national-security mission, it is mostly documents from other agencies that would comprise this small amount of material.

Examples of disclosure by other agencies:

- see Crawford FBI interview MLK. (privacy)
- see CIA JFK document (national security)