



United States Department of State

Washington, D.C. 20520
FIO Case No. 8602169

JUL 21 1987

Mr. Harold Weisberg
c/o Mr. James H. Lesar
Suite 509
918 F Street, N.W.
Washington, D.C. 20004

Dear Mr. Weisberg:

I refer to Mr. Lesar's letter of January 9, 1984 to the Federal Bureau of Investigation requesting the release to you of certain documents under the Freedom of Information Act (Title 5 USC Section 552). Your letter was passed to us for review and direct reply because ten of the documents in the file retrieved on your behalf were originated by the Department of State.

After careful review, we have determined that all of these documents can be released subject to excisions to protect material which originated with the House Select Committee on Assassinations (HSCA) and which consists largely of communications from the HSCA to the Department. The HSCA material appears to be Congressional information not subject to the FOIA. In any case, all the HSCA material is being withheld in view of the statements made by District Court Judge June L. Green in a slip opinion dated November 24, 1982, in the case styled Mark A. Allen v. FBI, et al., U.S.D.C., D.C. Civil Action No.81-1206, in which she concluded that this type of information may be barred from release by the Speech and Debate Clause of the Constitution. While the Department does not necessarily agree that the material is protected from release by the Speech and Debate Clause, we are withholding it at this time so that the Court will later have an opportunity to rule on its releasability. The use of the HSCA marginal designation serves only to identify this type of material and it is not meant to be a judgment as to its ultimate status.

Sincerely,

Fred Smith

for John R. Burke
Deputy Assistant Secretary
Classification/Declassification Center
Bureau of Administration

Enclosures:
Ten documents.