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July 8, 1988

FREEDOM OF INFORMATION ACT APPEAL

Co-Director  
Office of Information and Privacy  
U.S. Department of Justice  
Washington, D.C. 20530

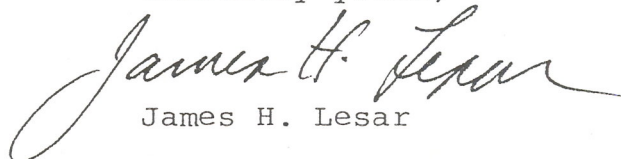
Dear Sir:

By letter dated June 8, 1988, Miriam M. Nisbet, Deputy Director, Office of Information and Privacy, has denied access of my client, Mr. Harold Weisberg, to 14 documents, consisting of 16 pages, which pertain to the assassination of President John F. Kennedy and "are of concern to the Office of the Attorney General." Mr. Weisberg hereby appeals the denial of these records. He is joined in this appeal by the Assassination Archives and Research Center, a nonprofit organization which I also represent.

not ?  
Ms. Nisbet asserts that 13 documents, totalling 14 pages, are barred from release by the Speech or Debate Clause of the United States Constitution, Article I, §6, citing Allen v. FBI, Civil Action No. 81-1206 (D.D.C. Nov. 24, 1982). Subsequent to the decision in the Allen case, the United States Court of Appeals for the District of Columbia ruled that the Speech or Debate Clause did bar access in an analogous FOIA case. See Paisley v. C.I.A., 712 F.2d 686 (D.C.Cir. 1983). Now that the D.C. Circuit has clarified the law on this point, these records must be released.

Brannon?  
Admin files?  
HSCA files?  
who?  
With respect to the remaining two-page document, Ms. Nisbet asserts that it has been withheld in full pursuant to 5 U.S.C. § 552(b)(5) and 7(C). It is highly unlikely that there are no segregable portions to this document, even assuming that there is some basis for withholding other portions. In the past, the Department of Justice has not generally invoked for Exemption 5 for records pertaining to the assassination of President Kennedy, and it should not do so here on the eve of the 25th anniversary of the assassination. With respect to the Exemption 7(C) claim, it is highly unlikely that the identity of someone of "investigative interest" to the FBI is not already publicly known. With the crime still unsolved after twenty-five years, there is an obvious public interest in knowing who the FBI investigated and how thoroughly.

Sincerely yours,

  
James H. Lesar