

FEB 5 1990

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Washington, D.C. 20004

Dear Mr. Lesar:

This is in further response to the requests of your client, Mark Allen, for all records relating to the investigation of the House Select Committee on Assassinations (HSCA), reference number 211,326.

Enclosed is a portion of the material provided to the HSCA in response to their requests. For this release, a total of 8,463 pages have been reviewed and 3,149 released. Excisions have been made on the enclosed documents in order to protect material which is exempt from disclosure by the following subsections of Title 5, United States Code, Section 552:

- (b) (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;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular types of matters to be withheld;
- (b) (6) personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

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- (A) could reasonably be expected to interfere with enforcement proceedings,
- (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,
- (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,
- (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

The statute for which (b)(3) is cited is Rule (6)e of the Federal Rules of Criminal Procedure.

Please be advised that included in the number of pages withheld are documents which are duplicative of documents you have previously received or are in the FBI Reading Room. Therefore, these are not being provided again.

Also, information which originated with other Government agencies is being withheld at this time. This material is included in the number of pages denied. You will be advised of the disposition of this material after the review by the appropriate personnel. Documents which originated with other Government agencies have been referred for direct response to you. Information from other agencies which was not provided to the HSCA is being denied as outside the scope of your client's request.

Included in the page count are files on living individuals. Please be advised that in handling requests for information pertaining to third parties, the Freedom of Information Act (FOIA), while promoting a spirit of general openness in government, provides specific protection of personal privacy interest through both exemption 6 and in the context of law enforcement records, exemption 7(C). To confirm or deny the

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existence of investigatory files concerning information on the activities of a living individual would represent an impermissible invasion of privacy. In addition, Title 5, USC, Section 552a, popularly known as the Privacy Act, specifically prohibits the release of records concerning an individual except upon request by or with the written consent of the individual to whom the records pertain.

To the extent, however, that the FBI's investigative interest in a specific individual is already a matter of public record, there is no unwarranted invasion of privacy. Additionally, the HSCA published material from our files on individuals. In these instances, you are being provided with public source material (i.e., material as published by the HSCA, newspaper clippings, etc.).

You will note that whenever pages have been withheld in their entirety, a sheet has been substituted listing the number of pages, the identity of their location within the file, and the exemptions and/or reasons for which they were withheld.

You may submit an appeal from any denial contained herein by writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D.C. 20530, within thirty days from the receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Sincerely yours,



Emil P. Moschella, Chief  
Freedom of Information-  
Privacy Acts Section  
Records Management Division

Enclosures (44)

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