



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

MAR 6 1989

James H. Lesar, Esq.
918 F Street, N.W.
Room 509
Washington, D.C. 20004

Re: Appeal No. 88-1277
RLH:PJL:CSH

Dear Mr. Lesar:

You appealed on behalf of your client, Harold Weisberg, from the action of the Office of the Attorney General on documents referred to it by the Criminal Division pursuant to his request for access to records pertaining to the assassination of John F. Kennedy.

After careful consideration of your appeal, I have decided to affirm the initial action in this case. Certain information was properly withheld from your client pursuant to 5 U.S.C. §552(b)(5) and (7)(C). These provisions pertain to certain inter- and intra-agency communications protected by the deliberative process privilege and the attorney work-product privilege and to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a third party by revealing an investigative interest in that person on the part of the FBI. Other information was properly withheld from your client pursuant to the Speech or Debate Clause of the United States Constitution, Article I, §6. See Allen v. FBI, 3 GDS ¶ 83,004 (D.D.C. 1982). None of the information being withheld is appropriate for discretionary release.

Your request for itemization of the materials withheld, with a justification in each instance, is denied. In my opinion, such a listing is not required and would be unreasonably burdensome for this Department to compile at the administrative stage of processing Freedom of Information Act requests and appeals.

Judicial review of my action on this appeal is available to your client in the United States District Court for the judicial district in which he resides or has his principal place of business, or in the District of Columbia, which is also where the records sought are located.

Sincerely,

Richard L. Huff, Co-Director
Office of Information and Privacy