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Office of the Clerk AS Amise of Representatives Mushington, F.C. 20515

March 2, 1981

Honorable William H. Webster Federal Bureau of Investigation J. Edgar Hoover Building Washington, D.C. 20535

Dear Mr. Webster:

I am writing to you concerning a subject of considerable concern to me as the legislative branch officer charged with maintaining and preserving non-current House documents and records under the rules and precedents of the House of Representatives. Specifically, I call your attention to requests filed with the Bureau under the Freedom of Information Act for correspondence, records or any communications between the Bureau and the former House Select Committee on Assassinations ("HSCA").

By letter dated March 26, 1979 to the Honorable Griffin Bell, former Chairman Stokes specifically identified the problem which would result from requests under the Freedom of Information Act for material generated by the Bureau in response to specific requests by HSCA during its investigation. That letter requested that "this congressional material and related information in a form connected to the Committee not be disclosed outside your Department."

My purpose in writing is to reaffirm the congressional intent expressed by Chairman Stokes at the conclusion of HSCA's work in my capacity as archival and custodial agent for the House of HSCA's records. In this connection, my General Counsel has generally reviewed the congressional materials and has determined that none of the congressional materials can be released consistent with the letter from Chairman Stokes asserting the exemption for Congress under . 5 U.S.C. §551(1)(A)(1976). This is our position notwithstanding the recent decision of a panel of the United States

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Court of Appeals in Holy Spirit Association for The Unification of World Christianity v. Central Intelligence Agency, Nos. 79-2143, 2202 (D.C. Cir. Dec. 23, 1980), petition for rehearing filed, (Jan. 21, 1981). We strongly believe that Chairman Stoke's letter, together with our reaffirmation by this letter, comes squarely within the standards articulated in the Holy Spirit case, because they predate both the request and any litigation which might arise therefrom, two factors cited by the panel in Holy Spirit as absent.

As constitutional officer of the House charged with preservation of House records, I cannot overemphasize the importance of maintaining the strictest confidentiality over records generated by the Bureau, as well as copies of congressional materials retained by the Bureau, in connection with HSCA. While I believe that these letters adequately serve to support the withholding of any of these documents under FOIA, I would appreciate being informed of any such requests. In this regard, please have appropriate personnel in the processing sections contact my General Counsel concernaing requests for HSCA materials.

Sincerely

EDMUND L. HENSHAW, JR., Clerk U.S. Rouse of Representatives

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