## CENTRAL SECURITY SERVICE FORT GEORGE G. MEADE, MARYLAND 20735



Serial: GC/305/81 13 May 1981

Mr. Stanley Brand General Counsel Office of the Clerk House of Representatives Washington, D.C. 20515

Dear Mr. Brand:

Fursuant to our conversation of 11 May, enclosed please find a copy of our response to an FOIA appeal requesting correspondence or records of communications between NSA and the House Select Committee on Assassinations. The documents were released as the result of an initial request and prior to our knowledge of congressional intent that this information be maintained in confidentiality.

Future requests of this nature will be handled in accordance with expressed congressional intent; we would appreciate receiving, however, a letter addressed to this Agency specifying current congressional views with respect to the information maintained by NSA.

If you have any questions do not hesitate to call me or Robin Ullman on 688-6054.

Sincerely, EXEMPT FOIA Appeals Coordinator

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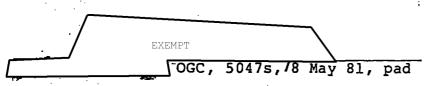
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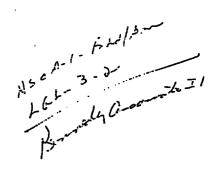
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	Stanley Brand, General	Counsel,	Clerk	of	the	House
	of Representatives					

M/R: This response was coordinated with Q4 EXEMPT on classification and with Stan Brand, General Counsel to the Clerk of the House of Representatives in determining whether correspondence originating with the House Select Committee on Assassinations are NSA records. Mr. Brand informed us of correspondence from Louis Stokes to Executive Agencies that congressional material and <u>related information</u> in a form connected to the Committee should not be disclosed without the written concurrence of the House of Representatives. A subsequent letter from the Clerk of the House affirmed this decision. He told us that he believes the Committee inadvertently neglected to send the Stokes letter to NSA. Copies of both letters are attached for your information, and, for LAO, your file.

As Q4 had already released the NSA-originated records (not knowing about the Stokes request), we decided to uphold their findings. Future requests of this nature should be handled in accordance with the Stokes and Henshaw letters. If any documents covered by these letters are to be released they must first be coordinated with and approved by Stan Brand, General Counsel to the Clerk of the House of Representatives. His phone number is 225-7000.

Mark Allen has sued CIA under the FOIA for withholding information responsive to a similar request. The D.C. Circuit in November 1980 remanded that case to the District Court, but made some rulings on the (b)(1) and (b)(3) exemptions which we have tried to comply with in this letter - inter alia, showing procedural conformity with E.O. 12065, demonstrating which exemptions the deleted information fall under and why, and releasing classification markings.





(702) 222-41 24

Select Committee on Assassmations

U.S. House of Representatives Sub House of Fice Huleding, Annex 2 Washington, D.C. 20213

March 26, 1979

The Honorable Griffin B. Bell Attorney General of the U. S. Department of Justice Washington, D. C. 20530

Dear Mr. Attorney General:

As you are aware, H. Res. 222, as passed by the House of Representatives on February 2, 1977, authorized the Select Committee on Assassinations to investigate the deaths of Dr. Martin Luther King, Jr. and President John F. Kennedy. The Committee's work is now drawing to an end. I write this letter to draw to your attention a matter that I recognize will inevitably come up in the future.

A great deal of material has been generated by your Department in response to specific requests or concerns of the Select Committee. In addition, your Department is in physical custody of a variety of materials originating from the Select Committee. It can be anticipated that your Department will receive requests under the Freedom of Information Act for access to these materials. The purpose of this letter is to request specifically that this Congressional material and related information in a form connected to the Committee not be disclosed outside your Department without the written concurrence of the House of Representatives.

Sincerely, OUAS STOKES Chairman

LS:dm

## cc: Robert L. Keuch

## Office of the Clerk H.S. House of Representatives Machington, D.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 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 concerning requests for HSCA materials.

Sincerel

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