



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

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:

Pursuant 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

Encl:
a/s

MSC 1 - 1/13/81/200
162-3-2
X
Kenneth Anderson JP

cc: D/DIR
ExReg (less encl.)
GC
Q4
→ D1
L22211 (less encl.)
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 related information 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.

EXEMPT

OGC, 5047s, /8 May 81, pad

Handwritten notes:
HSCA-1 - Filed/3.11.81
LGL-3-2
B. J. ...

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

(702) 222-4124

Select Committee on Assassinations

U.S. House of Representatives

3315 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

March 26, 1979

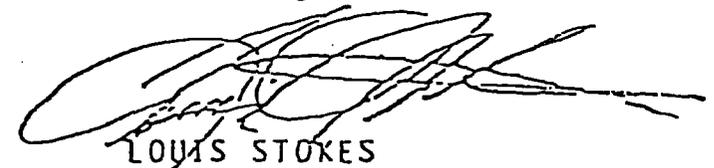
The Honorable Griffin B. Bell
Attorney General of the U. S.
Department of Justice
Washington, D. C. 20530

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,



LOUIS STOKES
Chairman

LS:dm

cc: Robert L. Keuch

Office of the Clerk
U.S. House of Representatives
Washington, 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 Unifica-
tion 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 concern-
ing requests for HSCA materials.

Sincerely

A handwritten signature in cursive script that reads "Edmund L. Henshaw, Jr." The signature is written in dark ink and is positioned above the typed name and title.

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