Edmund L. Henshaw, Jr.
Clerk

W. Raymond Colley
Deputy Clerk

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

April 17, 1981

Mr. Paul S. Koffsky
Office, Assistant General Counsel
Department of Defense
Room 3E-999
Washington, D.C. 20301

Dear Mr. Koffsky:

We have reviewed the documents sought by the requester and we have concluded that release is inconsistent with Chairman Stokes' letter to Attorney General Bell of March 26, 1979 (copy enclosed).

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

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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, 1983), petition for rehearing filed, (Jan. 21, 1981). We strongly believe that Chairman Stokes' 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.

Accordingly, I believe the materials requested are subject to the terms of Chairman Stokes' letter and should be withheld.

Sincerely,

Edmund L. Henshaw, Jr.

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

W. Raymond Colley

By: W. Raymond Colley, Deputy Clerk