

NOTES - 06/02/95 Meeting With Center for Legislative Archives (CLA)

Participants

ARRB: David Marwell, Jeremy Gunn, Joe Freeman
CLA: Mike Gillette, Diane Dimkoff, Chris Wilhelm
NARA JFK Collection: Steve Tilley
NARA Leg. Affairs: John Constance

David Marwell opened the meeting with an overview of the importance of the HSCA collection to the ARRB's mission and the special problems the collection poses. Some of these problems are:

- agency vs. Congressional equity
- presentation of evidence to the Board in support of HSCA postponements
- the CLA as an "extra layer" in the review of HSCA holdings

The CLA and the Committee on House Administration

Mike Gillette, with inputs from other CLA staff, provided an overview of CLA's experience with the House Administration Committee in its review of possible postponement issues.

Mike and the others stressed that, without exception, there was a strong inclination to disclosure on the part of Committee staff and leadership alike. Diane stated that the CLC was asked to justify any proposed postponement. The Committee's attitude flowed from a clear understanding of the explicit presumption of disclosure in PL 102-526. Mike related several anecdotes underscoring the Committee's positive attitude toward disclosure. The only qualification on this predisposition toward disclosure arose in instances where the HSCA had given explicit assurances of confidentiality to witnesses or informants. The Committee felt strongly that Congress should "keep its word" in such cases.

Mike also stressed that the CLA did not undertake an advocacy role on postponements in its dealings with the Committee. The CLA understood its role to be essentially administrative, assisting the Committee in making its own determinations on when to recommend postponements. With at least one notable exception (the Lopez/Mexico City Report), the CLA did not generally deal with the Committee on a document-by-document basis. Rather, the CLA presented the Committee with generic issues and

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asked for direction on how the Committee wished to proceed when these issues arose in specific documents.

Mike also stressed that, in light of recent changes on Capitol Hill (the elections), it's unclear how useful past experience will be in predicting future Congressional behavior. In this regard, however, it was also noted that the two Committee staff people most involved -- Roman Buhler (then Minority, now Majority) and Charlie Howell (then Majority, now Minority) -- are still around, as is now-Chairman Bill Thomas, who was very interested and active on these issues at the time.

Finally, Mike offered to make available CLA staff memoranda written in preparation for CLA meetings with Congressional staff and Members, as well as subsequent summary memos flowing out of those meetings. David expressed his view that these documents would be extremely helpful to the ARRB.

Current Status of Referrals

David and Jeremy posed several questions about the current status of referred documents.

Diane Dimkoff asked Chris Wilhelm to join the meeting to help answer these questions, and Chris indicated that CLA has to date received virtually nothing back from either the CIA or FBI -- and that these two agencies represent some 85-90% of outstanding referrals. David indicated this information will provide direction to the ARRB on which agencies need to be encouraged to make faster progress.

Relative to HSCA staff notes, Chris indicated that the notes fill approximately 30 archival boxes. David indicated that these notes represent a complicated agency vs. Congressional equity issue. They also present a logistical challenge: if possible, the ARRB would like to devise a way to review recommended postponements on Congressional notes at the same time as it reviews the original agency documents on which the notes were taken.

David and Jeremy also asked Chris about the status of the review of audio materials. Chris indicated that, of some 650 tapes, approximately 600 are now open out at Archives II, with approximately 50 pending. A discussion ensued regarding the technology employed in the audio review process: digitizing the tapes, etc. Chris indicated that the FBI has indicated a willingness to come to the Archives to listen to tapes in which the Bureau has equity.

David and Jeremy asked a series of specific questions regarding how referred documents are processed when they are returned to the CLA from the agencies. Chris explained the process in

some detail. David noted how the ARRB has developed its own database, separate from Steve Tilley's system out at Archives II, and then explained how important it is that the ARRB be able to update that data base quickly as referred documents come back from various agencies. Chris and the other CLA personnel indicated that they would cooperate with the ARRB in this effort.

On other referral issues, Chris noted that several local agencies (Chicago and Ft.Lauderdale, for instance) have already responded to the CLA on documents referred to them. Chris is optimistic that she will get a lot of cooperation from local agencies in this regard.

Other Issues

- Jeremy asked Diane about missing documents. Diane explained that none have turned up, and made clear her belief that such documents went missing before they reached CLA/Archives.
- In response to an ARRB question, the CLA also made clear that it has played no role in reviewing Church Committee documents, which were placed at Archives on a "courtesy storage only" basis. CLA/Archives had no access to the documents while they were so stored. Staff members of the Senate Permanent Select Committee on Intelligence came and removed the documents, reviewed them elsewhere, and then returned them to the closed vault at Archives. The CLA exercised no flow control or oversight over this process, has no inventory of Church Committee documents and cannot guarantee that all the documents that left subsequently came back.
- Similarly, the CLA/Archives are not in possession of Pike Committee documents. They are apparently being stored in Warrenton, VA.
- David Marwell indicated that he envisioned subsequent meetings in the relatively near future with Congressional staffers from the House Oversight Committee and, eventually, a possible meeting with the Committee's leadership, as well. David asked if the CLA wished to participate in these meetings, and Mike Gillette indicated that he didn't believe that was necessary.