

Memo - June 6, 1995

To: David Marwell, Jeremy Gunn

From: Joe Freeman

Subject: Phone Contact with Charlie Howell, Minority Counsel  
House Oversight Committee

I spoke with Charlie on Monday, June 5th, per your earlier suggestion that I give him a call. The exchange was informal and friendly. I explained that I was new to the ARRB, would have some responsibility regarding HSCA and wanted to get some background.

It took Charlie a few minutes to focus his recollections. Insofar as the Committee is concerned, he said the tasks associated with PL 102-526 "are assumed to be behind us." He had nothing but good things to say about the cooperation the Committee received from the Center for Legislative Archives: "the task [was] admirably carried out" by the CLC; the Committee "was very pleased" with their work.

Charlie verified that then-Chairman Rose and Ranking Member Thomas were "very simpatico" on the basic orientation they wanted to take: "A decision was made at the front end by Rose and Thomas in favor of disclosure." Prompted, he agreed with the CLC input that confidentiality agreements were the only general exception to this presumption -- but only where it could be demonstrated that some explicit assurance had been given, *and* where the other criteria for postponement in the law could be met.

Charlie claimed not to be aware of the Committee expressing a desire to postpone very much -- in fact, he said "I don't believe we postponed anything." Nor did it sound like he/the Committee was expecting to come back in the loop on postponement issues: he was vague on this and I left it at that.

His recollection on other matters was faulty: he thought appeals of ARRB decisions went to a three-judge panel of some sort, for instance. When corrected on this, he said something to the effect of "Oh, the Senate version must have prevailed on that then." There were several lapses of this sort.

When I indicated that we might want to come down to the Hill and touch base with the Committee in a general way at some point, he said he'd have to bring Mr. Fazio up to speed. He also made a point of saying that Chairman Thomas was calling the shots now and his (Charlie's) role on the issue would be much reduced. He cautioned that Roman Buhler, the counsel who worked on this issue for Mr. Thomas at the time, could be difficult to deal with: he suggested that we approach the Majority Staff through Staff Director Stacy Carlson, who could then serve as a moderating influence on Buhler.