

August 10, 1998

BY FACSIMILE AND FIRST-CLASS MAIL

Ms. Robin H. Carle
Clerk
Office of the Clerk
U.S. House of Representatives
The Capitol, Room H-154
Washington, D.C. 20515-6601

Re: Public Release of Certain Congressional Committee Records Pursuant to the
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Ms. Carle:

We are writing once again regarding whether the Assassination Records Review Board ("Review Board") will be permitted to inspect certain files of the House Committee on Un-American Activities ("HUAC") for the purpose of identifying records relating to the assassination of President Kennedy.

We were advised by the House Judiciary Committee that they are now awaiting an opinion from your office and the Parliamentarian as to whether the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"), supersedes House rules that would normally preclude access to the HUAC files.

It is our opinion that the JFK Act explicitly supersedes House rules. *See* § 11(e) of the JFK Act ("to the extent that any provision of [the JFK Act] establishes a procedure in the Senate or the House of Representatives, such provision is adopted as an exercise of the rulemaking powers of the Senate and the House of Representatives . . . and it supersedes other rules only to the extent that it is inconsistent with such rules . . ."). Moreover, under the JFK Act, other Congressional committees have afforded the Review Board access to original Congressional records for the purpose of identifying assassination-related materials. The HUAC files, however, have not been made available to the Review Board. As a result, HUAC files on Lee and Marina Oswald identified two years ago, and perhaps other relevant files, have not yet been released.

We ask that this matter be resolved as expeditiously as possible. Our Congressional mandate expires on September 30, 1998. As you know, we raised this matter first in 1996 (*see* Review Board Letters to the Clerk of the House, dated Nov. 8, 1996 and Oct. 30, 1997). In January 1998, your office

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sought authorization from the Judiciary Committee to permit our inspection of HUAC files. *See* Jan. 27, 1998 Letter from the Clerk of the House to Chairman Hyde. That authorization was denied by the Judiciary Committee in March (*see* March 17, 1998 Letter from Chairman Hyde to the Clerk of the House), but we were not advised of this decision until July. Shortly thereafter, we further explained the JFK Act and asked Chairmen Hyde for his assistance to obtain release of the relevant HUAC files. *See* July 15, 1998 Review Board Letter to Chairman Hyde. At present, we are advised that a decision cannot be made until the appropriate officials further examine the JFK Act in light of House rules. We believe that the legal issue is clear on the face of the JFK Act, and we respectfully ask that this matter not be delayed any further.

Accordingly, please authorize, with the concurrence of the House Judiciary Committee, the Review Board's inspection of certain HUAC files. I wish to emphasize, as we did in our July 15 letter to Chairman Hyde, that we are not seeking to inspect or release all HUAC records. At a minimum, we seek to have any files on Lee and Marina Oswald, the Fair Play for Cuba Committee (with which Oswald was affiliated), and Mark Lane (a Warren Commission critic) made available to the Review Board so that a determination can be made whether these are assassination records within the meaning of the JFK Act. We also request that we be permitted to review available indices to the HUAC files so that we can identify any other possibly relevant files for inspection.

Thank you for your assistance, and please do not hesitate to call me if you wish to discuss this matter further.

Sincerely,

Ronald G. Haron
General Counsel

cc: The Honorable Dan Burton, Chairman
House Government Reform & Oversight Committee

Diana L. Schacht, Deputy Staff Director, House
Committee on the Judiciary

Michael L. Gillette, Director

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Center for Legislative Archives, NARA

Steven D. Tilley, Chief
Assassination Records Collection, NARA