

July 10, 1998

BY FACSIMILE AND FIRST-CLASS MAIL

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Re: Inspection and Release, under the President John F. Kennedy Assassination Records
Collection Act of 1992, 44 U.S.C. § 2107, of Certain Records of the House Committee on
Un-American Activities

Dear Chairman Hyde:

On behalf of the Assassination Records Review Board ("Review Board"), I am writing to request that you reconsider your decision denying authorization to the Review Board to inspect certain records of the House Committee on Un-American Activities ("HUAC"). See March 17, 1998 Letter from Chairman Hyde to Robin H. Carle (attached hereto).¹ We had sought to review the HUAC records for the purpose of identifying and securing public release of any records relating to President Kennedy's assassination. As you know, Congress created the Review Board under the JFK Act of 1992 and authorized it to identify and release to the public records relating to the Kennedy assassination, including Congressional records. Inspection of certain HUAC records is fully consistent with this legislative purpose.

Let me address, in more detail, your March 17 letter denying us access to the HUAC records. Your letter states that you "are not prepared to authorize access" to any HUAC records less than 50 years old. A blanket prohibition on inspection and release of records earlier than 50 years prevents us from identifying any records from the 1950's and 1960's that may relate to the JFK assassination.

¹ The Clerk of the House did not advise us of your decision, made four months ago, until this week. I am troubled that we were not advised of this decision in a timely manner.

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Furthermore, your decision precludes public release of HUAC records relating to Lee and Marina Oswald, the Fair Play for Cuba Committee (with which Oswald was affiliated), Mark Lane (who was a central Warren Commission critic), and Jack Ruby. Although we have not seen these records, we understand that they do exist.

The JFK Act fully authorizes the Review Board to inspect and decide on release of any HUAC records relating to the assassination. The JFK Act gives the Review Board authority to "obtain access to assassination records" of a Government office and to "direct a Government office to make available to the Review Board . . . additional information, records, or testimony . . . which the Review Board has reason to believe is required to fulfill its functions and responsibilities under" the Act. 44 U.S.C. § 2107(7)(j). The "Government offices" subject to the JFK Act are "any offices of the Federal Government," including the "National Archives as custodian of assassination records that it has obtained or possesses . . ." 44 U.S.C. § 2107(3)(5). The HUAC records are in the possession of the National Archives. Furthermore, the JFK Act passed by Congress specifically recognized that the JFK Act supersedes inconsistent rules of the House or the Senate. *See* 44 U.S.C. § 2107 (11)(e). Accordingly, the JFK Act takes precedence over the House Rule precluding release of HUAC records for a 50-year period. Furthermore, other Congressional records subject to House or Senate closure rules have been released under the JFK Act, including most notably the files of the House Select Committee on Assassinations and the files of the Church Committee.

So there is no misunderstanding, let me emphasize that we are not seeking to inspect or release all HUAC records. Rather, we want to review available inventories for HUAC records to identify for inspection any such records that we have reason to believe may be related to the assassination of President Kennedy. After inspection of possibly relevant records, we would designate the assassination-related records that should be publicly released under the JFK Act.

Because the mandate of the Review Board expires in September 1998, I respectfully request that you authorize our access as soon as possible so that relevant records can be identified and released before then. I am sending a copy of this letter to the Clerk of the House, as well as to Congressman Dan Burton, whose committee oversees the work of the Review Board and who has asked us to keep him apprised of developments under the JFK Act.

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Thank you for your cooperation.

Sincerely,

T. Jeremy Gunn
Executive Director

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

Robin H. Carle, Clerk
U.S. House of Representatives