

July 15, 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 Mr. Chairman:

On behalf of the Assassination Records Review Board ("Review Board"), an independent federal agency, I am writing to request your assistance in helping the Review Board fulfill its legal mandate to disclose records related to the assassination of President Kennedy. We are seeking access to records of the (former) House Un-American Activities Committee ("HUAC"), which fall under the jurisdiction of your Committee. HUAC records apparently include files on, among others, Lee Harvey Oswald, Marina Oswald, the Fair Play for Cuba Committee, Mark Lane (a Warren Commission critic), and Jack Ruby.

Under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"), all federal government offices, including congressional committees, are required by law to review their files for the purpose of locating and releasing records related to the assassination of President Kennedy.¹ Section 11(e) of the JFK Act, provides that the requirements of the Act

¹The 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.

The Honorable Henry J. Hyde
July 15, 1998
Page 2

supersede prior inconsistent Rules of the House. See 44 U.S.C. § 2107.11(e). Thus far, with the sole exception of HUAC records, we have received full cooperation from all other committees both in the House and Senate. Indeed, at this point, *the only "government office" that has not permitted processing of its records under the JFK Act is the House Judiciary Committee with respect to HUAC records.*

Only last week we learned, for the first time, of your March 17, 1998 letter to the Clerk of the House, Ms. Robin H. Carle, that declined to make HUAC records available under the JFK Act. We understand that you had been advised that the House has a 50-year-rule regarding HUAC records and that this rule should be applied. As mentioned above, it is our understanding that Section 11(e) of the JFK Act, in effect, amended the House Rule in favor of releasing HUAC records related to the assassination. We believe it would be to your credit that you help us assure the American people that all federal assassination records, including those of HUAC, are processed 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.² I am sending a copy of this letter to the Clerk of the House, as well as to Chairman Dan Burton, whose Committee on Government Reform oversees the work of the Review Board and who has asked us to keep him advised of developments under the JFK Act.

Thank you for your cooperation.

Sincerely,

T. Jeremy Gunn
Executive Director

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

²In order that there be 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.

The Honorable Henry J. Hyde
July 15, 1998
Page 3

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