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(202) 225-1624

Select Committee on Assassinations

U.S. House of Representatives

3369 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

March 26, 1979

The Honorable Griffin B. Bell
Attorney General of the U. S.
Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

As you are aware, H. Res. 222, as passed by the House of Representatives on February 2, 1977, authorized the Select Committee on Assassinations to investigate the deaths of Dr. Martin Luther King, Jr. and President John F. Kennedy. The Committee's work is now drawing to an end. I write this letter to draw to your attention a matter that I recognize will inevitably come up in the future.

A great deal of material has been generated by your Department in response to specific requests or concerns of the Select Committee. In addition, your Department is in physical custody of a variety of materials originating from the Select Committee. It can be anticipated that your Department will receive requests under the Freedom of Information Act for access to these materials. The purpose of this letter is to request specifically that this Congressional material and related information in a form connected to the Committee not be disclosed outside your Department without the written concurrence of the House of Representatives.

Sincerely,


LOUIS STOKES
Chairman

LS:dm

cc: Robert L. Keuch

Handwritten notes:
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MEMORANDUM OF UNDERSTANDING
BETWEEN THE ATTORNEY GENERAL AND
THE SELECT COMMITTEE ON ASSASSINATIONS

I. Preparation of Materials

A. General Rules:

(1) The Department of Justice (DOJ) and all divisions thereof, including the Federal Bureau of Investigation (FBI), will cooperate fully in the investigations conducted by the Select Committee on Assassinations (Committee) by authorizing and providing access, either by providing copies of materials when appropriate, or making information available for review, as requested, to information within the releasing authority of the DOJ that bears upon the study and investigations authorized by H. Res. 222. The terms of this Memorandum shall govern access to all information within the releasing authority of the DOJ held by any federal agency or department. The DOJ will inform the Committee of any requested information held by the DOJ not within the releasing authority of the DOJ, and of the proper authority to contact to obtain access to the information. Requested material will be made available by the DOJ as expeditiously and completely as feasible, and partial access shall be provided while the balance of such materials are being prepared.

(2) No document or portion of a document in the possession of the DOJ (or any of its divisions) shall be withheld without appropriate notice to the Committee of the action and whenever possible the reason for it.

B. Specific Rules:

(1) The Committee and the DOJ will periodically agree upon a list of identities that will not be excised from materials turned over to the Committee.

(2) Foreign Intelligence Operations and Sources and Other Sources of Comparable Sensitivity; Informants: Subject to the list of identities that will not be deleted, where (1) requested classified materials identify peculiarly sensitive on-going foreign intelligence operations or peculiarly sensitive foreign intelligence sources or other sources of comparable sensitivity, or (2) requested materials reveal the identity of FBI sources who are or were informants or potential informants as defined in the FBI Manual of Instructions, the DOJ will appropriately sanitize, including excising, if necessary, information identifying such operations, sources or informants.

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When an excision is made, the DOJ will substitute a description of the nature of the intelligence operation, method (including the functional intelligence discipline that was the source of the intelligence), source or informant excised wherever possible without compromising sources or methods. The Chief Counsel of the Committee and the designated representative of the Attorney General shall meet monthly to discuss a random sample of the materials selected by the Chief Counsel for the purpose of verifying the appropriateness of the sanitizing done by the DOJ, and any materials on which they disagree shall be referred to the Committee Chairman, Ranking Minority Member and if necessary the Attorney General for resolution.

(3) Matters in Litigation and Pending Prosecution;
Sources: Subject to the list of identities that will not be deleted, where requested materials would (1) reveal matters in current litigation, or in which criminal prosecution is pending, or (2) identify as FBI "sources" persons who have provided or continue to provide information to the FBI and as to whose identity the FBI has undertaken an obligation of confidentiality, the DOJ will appropriately sanitize, including excising, if necessary, such information. Upon written request by the Chairman of the Committee to the Attorney General's designee, the complete and unsanitized materials shall be made available at suitable offices in the Hoover Building to the Chairman, Ranking Minority Member and Chief Counsel and, when agreed to by the Attorney General or his designee, staff members designated in writing by the Committee Chairman to receive such access.

II. Request Procedure

A. The Attorney General shall designate a Special Counsel to be responsible for dealing with the Committee. Committee requests for information shall only be conveyed to the DOJ through the Special Counsel. Absent extraordinary circumstances, appointments with DOJ employees and former employees will be arranged through the Special Counsel.

B. All Committee requests for information shall be in writing. In the interest of timely response, the Special Counsel will accept preliminary telephone or other oral requests from specific and agreed upon staff members, but no information will be made available until a request is received in writing from the Committee Chairman.

III. Staff Clearance

Prior to access by Committee personnel to any material covered by the terms of this agreement, such Committee personnel will be granted security clearance after consultation with the CIA. Committee personnel requiring access to such material will be required, in advance, the attached Select Committee on Assassinations Nondisclosure Agreement.

IV. Examination of Material

Materials to which access has been granted by the DOJ will be reviewed in suitable private offices in the Hoover Building set aside for this purpose, or upon agreement in a designated area within the Committee's offices.

V. Transcripts of Statements Under Oath

A steno-typist from either the Committee or the DOJ will make a verbatim record of all statements of current DOJ personnel taken under oath. One copy of the record will be made available to the Committee and the other to the DOJ in accordance with the Rules of the Committee and pursuant to this Memorandum.

VI. Storage of Materials

Committee procedures for control and storage of any documents or materials provided by the DOJ which require protection will follow security standards and procedures established in consultation with, and approved by, the DOJ and the CIA.

VII. Disclosure of Information

A. With respect to information supplied by the DOJ which (1) identifies informants or potential informants (as referred to in Paragraph 1.B.(2) of this Memorandum), or confidential FBI sources as "sources" (as referred to in Paragraph 1.B.(3) of this Memorandum), or (2) reveals matters in current litigation or in which criminal prosecution is pending, or (3) is classified information designated for protection from unauthorized disclosure by the Attorney General or an other properly designated official that identifies peculiarly sensitive ongoing foreign intelligence operations or peculiarly sensitive foreign intelligence sources, the Committee Chairman shall notify the Attorney General or his designee in writing of the Committee's desire to disclose such information in any manner, including under the Select Committee on Assassinations' Nondisclosure Agreement. If within five days

from receipt of such notice the Chairman does not receive written notice from the Attorney General or his designee objecting to the proposed disclosure and stating the reasons for it, the Committee may disclose the information.

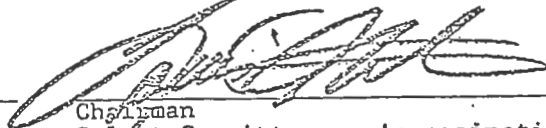
B. If the Attorney General or his designee notifies the Committee within five days that he objects to the proposed disclosure of such information, and states the reasons for the objection, the Chairman of the Committee and the Attorney General, or their designated representatives, shall meet to attempt to resolve any differences over the information to be disclosed. If the Chairman of the Committee considers that the negotiations have reached an impasse, he will give the Attorney General written notice to that effect, and the Committee will take no steps until at least 14 days thereafter to disclose the information in dispute.

C. Any differences left unresolved by negotiation may become the subject of litigation. In any such action, each party will be free to assert all its constitutional, statutory, or other legal rights, and the parties hereby agree to be bound by the final outcome of any such action. If such an action is commenced by the Executive Branch but is disposed of without a judicial decision on the merits of the disclosure issue, the Committee agrees that it will not on that basis, or on the basis of its 14-day notice letter, disclose the information in dispute. This Memorandum, however, is without prejudice to any of the Committee's other rights, privileges and responsibilities concerning the production by legal compulsion and disclosure of information, and the Attorney General's rights, privileges and responsibilities concerning the protection from disclosure of the information.

William B. Rees

Attorney General
of the United States

Oct. 5, 1977
Date



Chairman
Select Committee on Assassinations

10/13/77
Date

H. Res. 49

In the House of Representatives, U. S.,

January 18, 1979.

Resolved, That (a) there shall be paid out of the contingent fund of the House, in accordance with subsection (b), for the period beginning January 3, 1979, and ending March 31, 1979, such sums as may be necessary for the continuance of necessary projects, activities, operations, and services, by contract or otherwise, including payment of staff salaries for services performed, by each standing or select committee established in the Rules of the House.

(b) Each committee referred to in subsection (a) shall be entitled, for each month during the period specified in subsection (a), to payments out of the contingent fund of the House in amounts equal to one-twelfth of the total amount authorized for use by such committee during the second session of the Ninety-fifth Congress.

SEC. 2. (a) Except as provided in subsection (b), in the case of any former select committee of the House—

(1) which was established by resolution during the Ninety-fifth Congress; and

Robert E. ...
...

(2) for which a reestablishing resolution is introduced in the Ninety-sixth Congress;

such committee shall be entitled, for each month during the period specified in subsection (a) of the first section, to payments out of the contingent fund of the House, for the purposes specified in subsection (a) of the first section, in amounts equal to one-twelfth of the total amount authorized for use by such committee during the second session of the Ninety-fifth Congress.

(b) In the case of the former Select Committee on Assassinations, the unexpended balance of funds for the operation of such committee during the second session of the Ninety-fifth Congress shall be available to the Clerk of the House for the purpose of completing the final report of such committee not later than March 31, 1979. The Clerk is authorized to employ such persons as may be necessary and to expend the funds referred to in the previous sentence for completion of the report. Representative Louis Stokes is authorized to exercise the authority of the former select committee with respect to the handling of classified materials relating to the operations of such committee.

SEC. 3. The entitlement of any standing or select committee of the House to payments under this resolution shall cease on the effective date of the primary expense resolution adopted with respect to such committee.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to rules and regulations promulgated by the Committee on House Administration.

SEC. 5. Notwithstanding any provision of law, Rule of the House, or other authority, from January 3, 1979, until the election of the chairman of the committee involved in the Ninety-sixth Congress—

(1) the Member of the House who was chairman of a committee of the House which was in existence at the close of the Ninety-fifth Congress (if such Member is a Member of the House in the Ninety-sixth Congress); or

(2) in any other case, the ranking majority party member of such committee who was serving on such committee at the close of the Ninety-fifth Congress (and is a Member of the House in the Ninety-sixth Congress);

may approve payments under this resolution under rules and regulations promulgated by the Committee on House Administration.

Attest:

Clerk.