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OLC 78-1343
10 April 1978

Guidelines

MEMORANDUM FOR THE RECORD

SUBJECT: Amendment to the Rules of the House Select Committee on Assassinations

1. In response to the concerns of the Agency as to the broadened access to the files of the House Select Committee on Assassinations under the provisions of Rule XI of the House, the Committee passed the attached amendment to its rules on Thursday, 6 April.

2. Under the amendment, the request by any non-Committee member for access to any classified or confidential information in Committee files must be in writing and voted upon by a majority of the Members. If the Members vote not to grant the request, the Member may not have access until the full House has voted favorably to grant access.

3. Professor G. Robert Blakey, Chief Counsel and Director of the Committee, raised the issue of Rule XI with the Committee and prompted passage of the amendment. All Members of the Committee voted favorably. Blakey modelled the amendment somewhat after a similar rule for the House Permanent Select Committee on Intelligence, however, he did not adopt HPSCI's provision granting it final authority to deny access. Blakey said he did not discuss this with the Parliamentarian, however, it is his firm opinion that the HPSCI rule is in conflict with Rule XI and if an issue arose on the Rule, the Parliamentarian would determine that it is invalid. Blakey felt that his amendment satisfies Rule XI since it allows an appeal to the House.

4. Blakey further explained that though the amendment does not provide for prior consulation with the DCI before the Committee votes on a request for access, he assured me that he would consult the Agency in every instance. He did not include this provision since it could be be used by critics of the Agency and the Committee that CIA has a collusive relationship with the Committee.

5. Blakey stated that during the Committee's discussion of the amendment, the Members confirmed their position that they will not grant access to any classified or confidential information to any non-Committee member.

6. Blakey is confident that this amendment will protect CIA information during the life of the Committee. He is equally concerned and aware of the problems when the Committee is abolished and will work closely with us in formulating the tightest provision possible controlling access to Committee files in the Committee's Resolution submitting its final report for House approval.

[redacted] STAT

Acting, Chief, Coordination and Review Staff
Office of Legislative Counsel

Attachment

STAT cc [redacted]
SA/DO/O (Gregg)

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RULES AMENDMENT
(a majority must be present)

RESOLVED:

The Rules are hereby amended, by adding a new section 13.11 to provide as follows:

13.11 Members who desire access to restricted (including classified and confidential) or sensitive information that has in addition been designated by the Chairman as primary information, shall be required to request such access in writing to the Committee. Each such request by a Member must be considered by the Committee, a majority being present, at the earliest opportunity. The Committee may, by record vote, grant the Member's request. If the Member's request is not granted, the Committee shall forward the Member's request, together with a recommendation and report of the Committee, to the House. If the Committee did not grant the Member's request, the Member shall have access to the primary information only subsequent to a determination by the House that the Member's request should be granted.

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