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OLC 69-0207

12 March 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Chairman David N. Henderson, Manpower and Civil Service Subcommittee, House Post Office and Civil Service Committee

1. In a phone conversation today, I quoted to Chairman Henderson salient parts of Senator Ervin's two letters to the Director, the first of which invited us to appear in open rather than executive session, and in the second of which the Senator referred to the Agency's "totalitarian powers" and made clear his opposition to an exemption.

2. Chairman Henderson said he found the tone of the letters "shocking" and thought that the proper people should know about them.

3. Chairman Henderson went on to suggest that, in view of the unreasonable position taken by Senator Ervin, and the fact that we had a good case, it might be to our advantage to appear in open session. I pointed out the hazards of this, particularly as establishing a precedent and making us fair game for other headline-hunting congressional committees. Henderson said he appreciated this and could not really pass judgement--that we would have to weigh the pros and cons, but reiterated his feeling that on this issue we had a good case which would stand up well under public scrutiny. In any event, Henderson felt we should promptly show Ervin's letters to Senator Russell and explain our dilemma to him. Meanwhile, Henderson said he was continuing his preparations to cope with the problem on the House side in view of the fact that he "probably will have to get something out this year."

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JOHN M. MAURY
Legislative Counsel

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