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4-2-77

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The Director

Legal Counsel

CONGRESSIONAL ACCESS TO FBI FILES

PURPOSE: The purpose of this memorandum is to advise of recurring problems resulting from Congressional requests for FBI files and to provide an overview of the issues involved.

DETAILS: Recently Committees and Subcommittees of Congress have requested FBI files for their use. These requests have been for both pending and closed cases as well as for administrative files. Generally, the FBI has declined to furnish files to Committees of Congress except for the House Assassinations Committee and material already available under the Freedom of Information/Privacy Acts (FOI/PA). However, exceptions have been made in a number of instances.

Mr. Adams has advised that release of files to Congress is presenting increasing problems and the FBI may wish to consult with the Department of Justice to determine a formal policy on the release of files.

Furnishing files to Congress involves three problem areas:

1) Legal Issues: The issue of how much material the Congress can require the Executive Branch to produce has not been resolved and [REDACTED]

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[REDACTED] Congress alleges that it has the constitutional right to gain access to all or nearly all Executive Branch material without deletions. The Executive Branch asserts a privilege against that claim.

- 1 - Mr. Adams
- 1 - Mr. Mintz
- 2 - Mr. Coulson
- 1 - Mr. Melzerott
- ① - Mr. Bassett
- 1 - Mr. Paul

JJK:mbk  
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