

UNITED STATES GOVERNMENT

Memorandum

FEDERAL GOVERNMENT

TO : The Director
Federal Bureau of Investigation

DATE: JUL 24 1978

FROM : *RLK*
Robert L. Keuch
Special Counsel to the Attorney General

RLK:mal

SUBJECT: House Select Committee on Assassinations
Request for [REDACTED]

By letter dated July 5, 1978, directed to the Attorney General, the Select Committee has repeated its request for access to [REDACTED]

[REDACTED] It is my judgment, as Special Counsel for the Attorney General, that it is necessary to provide access to excised versions of the requested files to Committee Chief Counsel, Professor G. Robert Blakey. I have made an oral request to have the files processed and this is to request that this task be completed as soon as possible and that Professor Blakey be provided access to the processed files

As you are aware, we had, by letter of June 13, 1978, previously refused the request of the Committee. I concurred in that action and believe it was correct based on the fact that, in our view, the only need demonstrated by the Committee for access to [REDACTED] rested on naked allegations which had been denied in the past. In the Committee's latest demand, presented by the July 5 letter, the Committee, on pages 3, 4, and 5 of the letter, outlines in greater detail the justification for its request. While it may be our judgment that the information set forth by the Committee is not sufficient to substantiate the allegations made about [REDACTED]

[REDACTED] it is equally clear that we can no longer take the position that the Committee's legislative and investigative needs are based on pure speculation and/or naked allegations. That being the case, the limited access outlined above should be granted in response to the Committee's request. *5-137*

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I am, of course, aware of the deep concern held by the Bureau concerning any indication that we are willing to [REDACTED] *5* AUG 10 1978

[REDACTED] I share that concern and my decision in this matter has been reached only with the greatest possible consideration of that concern.

cc: The Attorney General

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In addition to the further justification submitted by the Committee for their request, I believe there are other factors which support my conclusion that we should provide the limited access discussed. An important factor is that, if the response to the Committee's latest request is a complete refusal, the Committee will issue subpoenas for [REDACTED]. The only way we could respond to such subpoenas other than by providing the requested information would be to seek to have them enjoined by a federal court. While this type of confrontation may ultimately be necessary during the course of the Committee's proceedings, it does not appear wise to take this step without first offering limited access. This is so for two reasons.

First, in contrast to the limited access we will offer the Committee, a subpoena would request access to [REDACTED] by the entire staff thereby increasing the possibility that [REDACTED] through the knowledge of the members of the staff who have studied the other files in the matter in greater detail and, in any case, would broaden the number of individuals who could learn [REDACTED].

Secondly, if we are to prevail in the litigation, a possibility which, in my judgment, is remote given the subject matter of the Committee's inquiry and the allegations and information that formed the basis of their request, we can only win if we show a reasonable posture to the court. An absolute refusal to comply would not do that. An attempt to meet the Committee's needs while protecting our interests by providing limited access to excised files would do that.

Further support for the procedure of providing limited access stems from the very nature of the Committee's investigation. Unlike the normal Congressional investigation and/or lawsuit, the Bureau and the Department of Justice are targets or subjects of the investigation. Under such circumstances our obligation to be as cooperative as reasonably possible with the Congress is obvious. The public conception of our cooperation is going to be a very important factor in the acceptance or lack of acceptance of the Committee's efforts and determinations in these investigations. To put ourselves in a posture of confrontation with the Committee over this particular issue without first attempting some accommodation of competing interests would only serve to revive all the allegations and criticisms of us and our actions concerning the assassinations.

It is regrettable but inescapable that the timing of this demand by the Committee makes our decisions much more subject to public comment and criticism. The present interest in, and repeated stories related to, the allegations in the case of ██████████ makes this one of the worst times to come to a point of absolute refusal in the face of the justifications advanced by the Committee. If and when we reach the ultimate confrontation over the possible ██████████ ██████████ our position will be extremely strengthened by any steps we can take consistent with our needs to protect ██████████ to provide the Committee with necessary evidence and information. That balance, at least at this stage, is best struck by offering the limited access under discussion.

Since the Committee's last request was directed personally to the Attorney General by the Chairman of the Committee, the Committee is preparing for public hearings in the near future, and has delayed issuing subpoenas for these materials based on my representations that we were making immediate efforts to respond, we should not delay our response to the Committee. Therefore, I am sending a copy of this request to the Attorney General. If the Bureau disagrees with my determination and decides not to comply with my decision, your response should be directed to the Attorney General so this matter can be resolved quickly.