

# Memorandum



Subject  Congressional Requests for ABSCAM Material	Date  October 20, 1981
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To Rudy Giuliani  
Associate Attorney General

From John Roberts *JR*  
Special Assistant to  
the Attorney General

The Attorney General recently received the attached memorandum from the Director of the FBI concerning requests from Congress for tapes and transcripts used in pending Abscam cases. We need guidance on how to proceed.

Attachment

# Memorandum



RECEIVED  
OFFICE OF THE  
ATTORNEY GENERAL

OCT 15 1981

To : The Attorney General

Date: October 9, 1981

From : Director, FBI *WATSON*

Subject : ABSCAM

## ACTION MEMORANDUM

The Philadelphia Office of the Federal Bureau of Investigation (FBI) recently advised that Peter F. Vaira, U. S. Attorney, Eastern District of Pennsylvania, received a letter dated September 17, 1981, from Congressman Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights, House of Representatives. This letter requested Mr. Vaira to make available to the subcommittee audio and video tapes, transcriptions of these conversations, and other documents (not specified) which were developed during the Abscam investigation of former Philadelphia City Council President George X. Schwartz and Philadelphia City Councilman Harry P. Jannotti.

On September 17, 1980, a jury found Jannotti and Schwartz guilty, but this verdict was set aside by U. S. District Court Judge John P. Fullam on November 26, 1980. This decision was appealed, and the Third Circuit U. S. Court of Appeals has advised it will sit en Banc in deciding the Government's appeal of the overturned convictions. In light of this pending appeal, Mr. Vaira has advised our Philadelphia Office that he will refer the committee's request to the Department of Justice for a determination on how best to respond.

The staff of Congressman Edwards has advised this Bureau's Office of Congressional and Public Affairs that the committee has an interest in all aspects of the Abscam investigation to include review of the raw files, materials released during the various due process hearings, and interviews

FBI/DOJ

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The Attorney General

of Special Agents assigned to this investigation. The staff members have been advised to make their requests in writing to the Department of Justice.

There is precedent for the release of Abscam material to committees of both Houses of Congress. However, both the Committee on Standards of Official Conduct, House of Representatives, and the Select Committee on Ethics of the U. S. Senate obtained access to this material pursuant to court order. In each instance, these orders contained stipulations that the materials submitted to the respective committees should not be disclosed to the public or to any third party without first affording the Department of Justice, the defendants, and any individuals likely to be adversely affected by such disclosure ten days advance notice. Therefore, it is requested that the Department of Justice review this entire matter so as to insure that release of any material to this committee will not adversely affect any of the ongoing trials, due process hearings, or appeals emanating from this investigation.

It is suggested that the Department may desire to designate one individual as a focal point for this and any future requests. It is important that release of any material or information developed in this investigation receive a coordinated review which takes cognizance of the prosecution pending in the various judicial districts.

1 - The Deputy Attorney General