

10/1/73

Dear Jim,

Thanks for the papers in Carl Stern's suit for the FBI counter-intelligence files. Read them once while waiting for Lil to finish her work this evening.

I find myself wondering why an FBI agent was used to execute the affidavit. Why not FBI's legal counsel himself? I think it is because they think special qualities and arcane knowledge is generally attributed to agents.

I note the language of 6, but that this is part of an investigatory file but rather that it is "contained in an investigatory file". I note also no allegation of law-enforcement purpose and the lack of perception in the decision. They can put a Gideon bible in a file and say it is "contained in" it.

Addressing your belief that he knows how the CA will rule in my case, not that on 7/20, which means earlier, he said it would rule "shortly". Well, there have been more than two months. Sorry, this is Plesser, not the judge. Rather, the Opposition to Plesser.

The judge argues as I have without success, which is not comfort but more frustration. Even on Hink (footnote 3, "when the government has initially failed to meet its burden;" footnote 4). His reasoning, indeed his words in the first full paragraph on p. 6 I think show how right I have been from the first in insisting that we address the falsity of the Williams affidavit that Bud once agreed is perjury and subornation and promised to do every time we discussed it.

It is good on the exemptions, if not what it could have been on law-enforcement purpose. Without this there is no investigatory-file exemption, as I read the law.

More than the decision is good. It is good that a reporter filed, that this is the kind of stuff he filed for, and that Wader has decided to help a reporter.

Best,