

1735 Highland Place, Apt. 25
Berkeley, Ca. 94709
August 17, 1971

Thory Brown
Route 4, Box 82
Squankum Road
Farmington, N.J. 07727

Dear Thory,

Thank you very much for sending me the legal papers in your Freedom of Information suit. I removed the entire file and ~~xxxx~~ have already returned it to you by third-class mail.

I agree that your brief was better done than the Government's and I am sure it will be useful to me. I think you did an especially good job in pointing out the Government's distortions of the cases they cited. It is nice to know in advance of any future actions just what case they can make to apply the investigative file exemption, and how weak it is.

In general, I am in strong agreement with Harold Weisberg's suggestions to you. I think we must balance the possibility and consequences of an adverse decision against the value of the requested material. I am sure that the Government will try to use the last sentence of your judge's opinion in future cases. What we need is a decision that weakens, even slightly, the barrier of the investigative file exemption. The suit Harold has filed, and the ones I am considering, might do this.

By demonstrating your willingness to sue, you should have established your serious intent with the Justice Department. That may make them more willing to give you things in the future even if you don't take them to court. I don't expect that the items you asked for on the license plate checks are that important, and I expect that Harold's information on the three (non-)arrested tramps is good. If you have other requests in mind, I might be able to help you check out various files in the Archives before you file requests elsewhere. The Archives ~~is~~ can not be counted on to do a proper search.

Perhaps the Justice Department will be a more helpful to you in the future. I still wonder why they didn't tell you right away about the information that was available in CD 897. Schutz' affidavit suggests that they did know about it from their index search; in the past they have occasionally given references like that to me. One possibility is that they didn't want to have to claim in court that certain items were published and that other items of the same nature were completely exempt as investigatory files.

I'll keep you informed of any suits I file; I won't do anything for some months yet, however. Right now I am concentrating on finishing up my physics thesis. I don't have that much money for appeals and I am still hoping ~~is~~ that they will back down in the face of my arguments without a suit.

Sincerely yours,

Paul

Paul L. Koch

cc: