

October 26, 1972

Honorable Richard G. Kleindienst  
Attorney General of the United States  
Department of Justice  
Washington, D. C. 20530

Dear Mr. Kleindienst:

I renew my request for the umpteenth time for whatever documents authorized and defined the FBI's Cointelpro-New Left program. My full request was set out in my letter to you of March 20.

Ralph Erickson's September 29 letter so misperceives the nature of my request that I assume it was intended as a bit of good-natured mischief. I do not want to see any investigatory files. I couldn't care less about your internal personnel rules and practices.

What I am seeking is the same information to which anyone suing the Department who claims to be injured by the program would be entitled -- information as to whether the activity was authorized and the extent of that authorization. (Isn't it funny that if we end up in court I may be able to get what I am looking for on discovery, leaving the rest of the thing moot!)

As I explained in my letter of August 31, I am not seeking a document reflecting the work product of the staff, the disclosure of which might tend to inhibit the free flow of ideas within the Department. I seek only a directive. Nor do I wish to know what specific practices the Department employed to carry out that directive(s)

EXHIBIT H

Harold

AFFIDAVIT

FILED  
JUN 15 1973  
JAMES F. DAVEY, Clerk

1. I, James L. Williamson, a Special Agent of the Federal Bureau of Investigation, being first duly sworn, depose as follows:

2. I have been a Special Agent of the Federal Bureau of Investigation for the past 17 years during which time I have been engaged in supervisory and investigatory duties both at Washington, D. C., and in the field. I am presently assigned to the Office of Legal Counsel and, by reason of my position, I am acquainted with the subject matter of this lawsuit.

3. I have reviewed the "Complaint for Injunctive Relief" filed in the suit entitled Carl L. Stern v. Richard G. Kleindienst, Civil No. 179-73, filed January 31, 1973, in the United States District Court in and for the District of Columbia, in which plaintiff requests the court to order defendant to produce any document which (i) authorized the establishment and maintenance of Cointelpro-New Left; (ii) terminated such program and (iii) ordered or authorized any change in the purpose, scope or nature of such program.

4. The materials demanded by plaintiff concern matters relating to the internal procedures of the Federal Bureau of Investigation (FBI) and are, therefore, exempt from public disclosure pursuant to the provisions of Title 5, United States Code, Section 552(b) (2). Such

documents contain instructions on the manner in which the FBI conducts certain investigations. Should instructions such as these become available for public inspection, the effectiveness of the operation of the FBI would be substantially impaired to the detriment of the efficient operation of the organization. To reveal material on the type, nature and method of conducting an investigation could require that any such inquiries be terminated and would jeopardize related efforts.

5. Further, these documents constitute intra-agency memoranda exempt from public disclosure under the provisions of Title 5, United States Code, Section 552(b) (5). FBI Headquarters must be able to freely communicate with FBI offices throughout the United States to exchange ideas and instructions without danger of public disclosure. To subject this type of material to public disclosure would inhibit communication between FBI Headquarters and offices thereby restricting the exchanges necessary to function effectively as an investigative agency.

6. These requested documents are contained in an investigatory file and, as such, are exempt from disclosure pursuant to the provisions of Title 5, United States Code, Section 552(b) (7).

7. For the foregoing reasons I believe that if compliance with the plaintiff's request were to be ordered by

a court it would seriously affect the ability of the FBI to discharge its assigned responsibilities.

James L. Williamson  
James L. Williamson  
Special Agent  
Federal Bureau of Investigation  
Washington, D. C.

Before me this 10th day of May, 1973, Deponent James L. Williamson has appeared and signed this affidavit first having sworn that the statements made herein are true.

My commission expires 10/31/76  
Helan E. Sunaway  
Notary public in and for the District  
of Columbia