7/23/73

Dear Jim (cc Bud),

Thanks to Nixon's claim that the presidency is a license to kill, rape (for those who find women attractive) and commit any other crime at will and with impunity, I have had time to read your fine supplemental brief to the court of appeals. You enclosed no copy of the final motion for leave to file and unless there is substantive change, there is no need to copy one for me. The draft will suffice for my files.

For the future, I have two general comments. A major failing in this case, where it is beyond reasonable question and practised to a degree I believe without precedent, is our failure to allege and prove official dishonesty and imposition upon the trust of the courst. I believe in my cases it crosses the line into the criminal. At some point this must be done in some case or the government has, in effect, the immunities Nixon today asserted for himself. We owe it to more than my case that we make such a record and make it beyond questioning, which represents no great task, given the record. We should at some point have waved the flag. With those fine Fourth-of-July orations by Ramsey Clark and LBJ printed in the AG's memo, why not cite them as representations of intent and as declarations of official interpretation?

There is a decision of the DC district court I think could and should have been used. Judge Hart held the law requires a <u>specific</u> law-enforcement purpose. Hart went out of his way to say that for the law-enforcement exception to be invoked there must be a particular one in mind.

This brief is a good job, I think, particularly under pressure. Some nice lingo in it, too.

Thanks,