

6 7/1/71

Dear <sup>4</sup>ou,

After our conversation<sup>1</sup> under the so-called Freedom of Information law, 5 U.S.C. 552, any citizen is entitled to government information except for nine pretty well defined categories, and this oncludes investigatory files for law-enforcement purposes such as would be available to a litigant under Jencks.

Instead of making this request myself, I have tried to ~~ask~~ interest someone with more heft. I have yet to get a response.

Bud will be better able to tell me if the government has done enough under this law to have vpided their right to withheld. I do not want to discuss this with by phone, for reasons of his, not mine.

There have been some rather good decisions under this law. It is also the means by which I forced Justice to give me the Ray records they had confiscated from the British court and lied about having. However, almost no lawyers have done any work with or on it and I'm reasonableconfident that the average good lawyer will be unaware of its potential of willing to do the extensive research necessary to learn it. The Department of Justice has a Memorandum published on this law and what they say it means. I have loaned my copy to a lawyer, but if you want it, I'll lend you my file copy.

Bud is lacking in criminal experience. Your lawyer, if not your staff, may be able to let me know pretty quickly if and when under Jencks or other procedures or remedies Jim is supposed to be entitled the what he needs for his own defense. I presume prosecutors have a different feeling, that they are entitled to withhold. But this has the possiblity<sup>z</sup> of being important because in his attack on the papers for using The Pentagon Papers, the President's press secretary criticized them for not using this law. They would look bad if when the law were properly invoked by a paper (assuming one will) if they then turn around and refuse what is asked for. So, the first question is Jim's or anyone else's rights to what they have on anyone. If such a right exists, the exemption is no longer an exemption. Moreover, they have made enough use of some of what they have to have waived the right to withhold under certain decisions, I am pretty certain. Under American Mail Lines v <sup>G</sup>ulick, any use, be it only the most casual reference, to what can be withheld under the law waives the right to withhold. The law has been used but little. It is a new law. So, if you could let me know what in theory Jim and any other defendant may be entitled to, I might be able to go further with it up here. It can also be done down there, in whatever jurisdiction the plaintiff lives or does business or where the records are kept.

It may be possible for me to interest some reporters on doing some digging. Some are hot after Hoover and DJ right now, so any dirty work by them would be of interest. Thus I ask for anything you can tell me....Now for a farout investigative lead which may be 100% wrong. When I first learned Soule is a <sup>sp</sup>captain, I was surprised that he would be assigned to your office to do the work of a patrolman and that he would be willing to accept this apparent letdown. So, I would suspect there might be a reason behind this assignment and that whoever brought it to pass may have had something in mind, esp. if he then knew that Soule was into something that might be made to rub off on Jim.

Another unusual thing: there has been no second-day play of the story here. I've been listening when I could to the Post's all-news radio station and there has been no mention. I think this can be interpreted as not unfriendly and as an expression of doubt about the government's case. Jim said he was run in in the last minute. Can you explain? Best regards,