

Dear Jim, Re; Rothblatt/DeDiego's Disqualification by Gessell 4/12/74

Yesterday, which was not when it occurred to me, I told you that in my opinion Rothblatt would pull off getting the guilty DeDiego free by the line he had given every indication of taking.

What I then did not know is that Daniel Schultz, counsel for the other Cubans, had moved that he be barred as DeDiego's counsel and that Gessell had agreed. Today's Post says it is because in the past he had represented these other Cubans.

Prior to this move the Rothblatt line was public. He had expressed it forcefully.

In this he had given every indication of following up with disclosures of undisclosed crimes and of calling high officials with regard to them.

This indictment deals with the Fielding job only, however. The other crimes are not charged.

The prosecutor has not seen fit to charge them. The other official bodies have seen fit to suppress knowledge of them.

And now that the right-wing/CIA lawyer is about to expose them, he is tossed off the case on the Cubans' motion and with Gessell's assent, which may be proper.

I do not now recall if DeDiego has a CIA past. All the others do and all the others are or were Hunt's people.

This situation does represent some odd switches.

CIA-connected (?) Rothblatt seems likely to do a job that could, without apparent CIA connection, put the hat back on Nixon's head and the former CIA Cubans move to make it impossible.

With Ehrlichman and Colson co-defendants in the case and with Rothblatt's openness about his intentions, where technically it may be as Gessell says is possible, a "diversity" of interest might develop between DeDiego and his fellow Cubans, actually it would seem to be close to certain that with Rothblatt in the case this "diversity" would develop between DeDiego and Nixon's honchos.

Remember, when Rothblatt originally represented all the Cubans and he was determined to pursue this same defense of official function, once Hunt made his deal the Cubans fired Rothblatt and Sirica appointed the octogenarian personal-injury expert/who died shortly thereafter. Rothblatt got back into the same action with DeDiego and is again fired for it.

Even if Schultz and Gessell are right this makes one wonder. And if there is or could be "diversity" of interest, is it any more than when co-defendants differ on copping pleas? Do judges then hold as Gessell here did?

At least on the surface this looks like a mechanism to perpetuate the deficiencies of the indictment, which charges fewer than all the Plumbers' crimes, where Rothblatt has signalled clearly that he intends to go into all of them and claim them to have been non-crimes because they were ordered by officials he intends to call to swear that they were ordered.

These three Cuban defendants detoured on returning to Miami from Los Angeles to break into the NAACP Legal Defense Fund offices in New York, Hunt and Liddy making the same detour.

And Barker was in charge of the Chilean break-ins. These things Rothblatt has to know.

Does this also signal that Schultz's clients are going to cop pleas?

And have already been through grand jury questionings in which these other crimes were of no prosecutorial interest?

HW