

7/4/71

Dear Lou,

Today's Washington Post tells me some of what I didn't know. For whatever worth, if any, it may have, I include a copy, but I'll not be able to send any copies until I can get more paper, this being half of my last sheet. With people here it is hard to concentrate (they are all up now), but one thing I suggest is that this, the only presentation of Jim's side, was deliberately held over for a day, not thrown away when there was no space or if it came in too late to be used in yesterday's paper. You will note that the date of filing is 7/2. Without asking that you believe what I do, I think despite the unfair headline (which is not exceptional, if you had experience doing it you'd know it need not represent an editorial policy or judgement), what this really means is a change in policy for it is a presentation of Jim's defense as made available by AP.

(I think, as a matter of fact, that if someone were to write the editor a brief note saying that the headline is in error, that the suit is designed to keep the government from violating the law and to prevent the pre-trial publicity that can make any trial impossible, it would be printed. I think I am the wrong person to do it or I would.) Any non-staff lawyer would be fine, better than a layman. But short as possible. This might then reach a half-million people, including a number in Congress.

In any event, this does tell me that my thinking has to be close to the lawyers'. As you realize, when I first wrote it was inconceivable to me that even the Michellist would so flagrantly violate the most elementary rights, so risk their prospects of conviction. Properly used, this could be an effective way of reaching people today.

Guilt or innocence is irrelevant. I think it may be part of what I have long regarded as a deliberate Nixon-Agnew-Mitchell-Kleindienst effort to rewrite basic law, as you'd know if I'd have been able to get COUP D'ETAT printed. If I am right, they are willing to run such risks on the chances of accomplishing a rewriting of the law through court decisions. They are up to exactly this in wiretapping now. Here they not only risk "getting" Jim but acquitting those on whom I presume they may very well have a case, the pinball boys. Part of a silent fascist counter-revolution, against freedom.

More than ever, I would like to see the affidavits, etc. if you have them. If you do not, I'll be trying on this end. Pending that, if it is not too much trouble, and until I can develop a fast, alternative source, can Lorraine xerox them as they appear and mail them?

An unrelated idea for the future, one that improperly handled would involve some risk but properly handled could accomplish much. Rosemary James ought to be asked if anyone, directly or indirectly, asked her to or suggested that she ask Jim when he had last seen Pershing. She knew the answer, having been backgrounded, you can be sure. Unless proofs can be developed otherwise, I think the proper time would be, as Wegmann and Diamond did, giving you ample precedent, under oath. Or even better, with the proof in hand, then under oath. There is nothing more subversive than the press acting as an arm of government, and today is one of the best times for making a point of it, if possible... Non-lawyers think about legal issues other than lawyers do. Off the top of my head, for this is sudden coming to me, I think it would be a fine idea if a number of more prominent members of the New Orleans bar asked for copies of these prejudicial papers, read them, made their own decisions as to whether they preclude any possibility of a fair trial and what they mean of government procedures and respect for the law and everyone's rights (does anyone have any Jim and his co-defendants do not have.) and then said whatever they might think. I'd like to see even Brener defend this! Or Wegmann, or Diamond. Were I so accused, I think I'd be in appeal court as soon as I could prepare a brief. Even the law intended to make information available precludes this kind of thing. I'd bracket this with DJ refusal to give me court papers, publicly filed but after decision. And after they confiscated them from the court (last chapter, FRAME-WP).

Still hurriedly,