

7/5/71

Dear Lou,

If one were to believe that any justice is equal justice or to argue that the charges against Jim are persecution rather than law enforcement, then one might see relevance in the enclosed clipping from today's Washington Post, "Investigation of N.Y. Congressman Is Stymied by Justice Department". This story also recalls that indictments voted after Mitchell ordered that they not be quashed by him. They involve two other Louisiana politicians, Long and Boggs.

I do not know what exploratory or discovery rights exist or would be honored if they exist, but I think one of the more fruitful out-of-court pursuits at this point might fall in your department, finding out exactly what the deal with Pershing is. He is one of the last people I'd expect to be willing to luxuriate in isolation intruded upon only by flight to new luxurious quarters. One of the things I'd be looking for would be immunity, which would enable him to attempt to flee to an entirely new identity, here on in another land. Some of his people might be willing to give you some hints. Another would be to try and learn whether he set the original graft up himself, which would make him the most guilty and the deal involving immunity less likely to be accepted today, when at least for a time the press seems to be troubled by what might happen to it.

From what I know of Pershing, I can understand Jim's reluctance to say anything about him at the court house, for it is hard for me to imagine the existence of enough pressure to force him into such a deal, not so much out of friendship with or loyalty to Jim alone as because of my beliefs about the kind of life he wants to live and his determination to live the way he wants to. Under most circumstances, I have a hunch he would have been more inclined to take his chances in court and with a sentence and with the possibilities of later doing something with that sentence than with the kind of life this would seem to impose upon him. The belief he might be killed might be one possibility, or if someone meant enough to him for him to be blackmailed another. But from what I know, which I realize might not be enough, it is very hard to figure his acceptance of the kind of situation and existence this would seem to require of him. If you can provide any enlightenment, I'd welcome it.

To those closely involved, I think this may appear as a get-Jim thing. I think it is larger, part of a large design of repression, the only means by which this administration would seem to have any prospects of remaining in power. And, I believe, this is also consistent with what for this administration would have to pass for the closest thing it can have to principle. These guys really believe in an American kind of fascism, and they practice it. From their position, they do not lose, for every defeat advances repression and authoritarianism that much. If they got clobbered in the Chicago conspiracy case, it nonetheless did advance repression. If they have had to ease off on conspiracy, they are pressing on other eliminations of personal and legal rights, as now with eavesdropping. I think Jim can better defend himself or make his defense more comprehensible to a larger number of people if it is in this context, that getting him is more than just getting him. It is part of a larger, repressive, anti-democratic scheme of an unpopular, incompetent administration that can by no other means stay in power, a regime capable of anything to keep itself in power and to make the basic changes in the character of American society it and its backers, the CIA-military-industrial wants.

I have made several efforts to get the affidavits and transcripts of Mitchell's and any other comments and/or releases and for the AP and UPI "A" wire stories. The latter may have value in the future and all can now...But don't worry. Big Brother himself is celebrating the birthday of freedom about 10 miles away from here at Camp David. I just heard one of his choppers fly over. All is well with the best of possible worlds.

Best,