

7/3/71

Dear Mr. Clawson,

You asked me to let you know what I think about the current Garrison case, so here, in confidence, is a copy of my this morning's letter to Louis Ivon, his chief investigator and the one man in his office in whom I had complete trust. Louis is a professional policeman, a sergeant assigned to Garrison by the police department, as are all his investigators. With all the many extra hours of work the JFK investigation required, Louis went to college at night and got a degree in criminology.

I have no objection to your letter Ben Bagdikian or Paul Valentine read this if you think they may be interested.

Unfortunately, I am really into too much and do not have time to read and correct this letter. I hope you will not have too much trouble doping out the typos.

I think it is not impossible that the Post ~~xxx~~ may soon have problems similar to but not identical with Garrison's. I also think that a fairly considerable amount of my work might in that contingency be of some value to it. I know how busy everyone always is, especially now. But I think it will be a mistake later regretted if someone like Ben does not come here pretty soon and see some of what I have, subject only to the preservation of my rights and confidence. If it awaits the crunch, it may then be too late, for there may then, again, be much to much to be done. This means overcoming a policy opposition to me, but it also costs very little, an hour's driving each way and as little as an hour or even less here. I suggest Ben, and I ask that you tell him, because I think it should be someone more likely to be listened to than a reporter and because he was not involved in what led to the dislike of me.

I suppose George Lardner's clever but not faithful assumptions about my relations with Garrison may be what, if anything, is in the Post's mind. However, it was not as George assumed, and there are many things I did not give them. Thus my ellipsis to "ou on the transcript. I have no reluctance in telling you, for the moment, not for use, that this is the Sirhan case and you can see it for yourself. And make a copy, if you'd like, if you think it may later be of value to the Post. On what I told "ou, without specification, on FBI framing, it is no exaggeration, and I have enough in hand. The destruction of evidence by the FBI is of pictures of a collaborator of Oswald. This includes both motion pictures, destroyed, and still pictures, withheld from the Warren Commission, plus two amateur movies also withheld from the Commission, of Oswald being arrested in New Orleans. I have a dupe of one, obtained from the man who took it, and statements from him and the father of the boy who took the other saying that the FBI got the originals and returned edited dupes. Knowledge of the existence of the man whose film I have was withheld from the Commission, as was the fact that the FBI had both films. Both have been refused me by Justice. I am "exhausting my administrative remedies" and plan to file for them under the "Freedom of Information" Act.

Sincerely,

Harold Weisberg

7/3/71

Dear "ou,

When we spoke several days ago, you asked me to let you know my thinking. Almost as though I were talking out loud, that is what I will do. I realize that my lack of knowledge-I don't even know who Jim's lawyer or lawyers are, though I assume it is again the Deutsch firm - may invalidate some of what I have thought. All I know is what Will Rogers said, what I've read in the papers. But to that I can add some experience with the people involved, and my own perspective, which, as you may recall, is different than that of any of the others of us. I do not, for example, visualize enormous, organized conspiracies, and I think I have a better understanding of the workings of bureaucracy than those who are part of it. Or one.

My coming days will be filled with working company, so I will dash this off as fast as I can, apologizing for its length for I will not have time to condense it, to go over it and correct my typos. I have been writing two books simultaneously, hoping that current developments, to which both are relevant, might help me decide which to lay aside and which to rush. Going along with this, I am also my own lawyer in several actions. One that technically I have lost may, with luck and a bit of help experience tells me I would be a fool to expect, may turn out to be a real breakthrough, for the government cannot live with compliance with the promises they made to "win". So, important as this may be to you, it is also something with which I have to rush. My apologies.

What has bugged me since I wrote you a brief note on it is what I did not learn until yesterday, when I got the Washington Star for the day before, that 113 pages of affidavits. That is an inordinate bulk, a remarkable advance-disclosure of a case, even if the case is solid, a truly exceptional abandonment of every prosecution procedure with which I am familiar. Generally, all that is said is what is considered to be the minimum necessary. Since then I have been thinking of this, when I could. During the night, when chigger-bites awakened me, a perhaps farout notion came to me: this is intended to prejudice the case against Jim. If I had those 113 pages I'd have a better idea, but I venture a prediction that bears on this analysis, that most of that bulk has nothing at all to do with Jim, consisting instead of a credible case against the pin-ball people, Perhings, Soule and Frey and designed for its credibility to rub off, in the minds of the press and those reached by the press, on Jim.

Before breakfast, I listened to the Washington Post's all-news radio station for about an hour while I did other things. This included the early-morning CBD net radio news. There was no mention of anything new in the case. Then I went for a long and arduous walk (we live in the mountains, taking with me a transistor radio and listening to the other all-news station in Washington. Nothing mentioned. During this time I continued thinking about this and have other suggestions.

I do not intend coaling Newcastle, but I also do not want to risk the obvious being missed, as often when one is hurried it is. In connection with the Ray case I got a copy of an American Bar Association "Information Manual", titled "The Rights of Fair Trial and Free Press". I had not gotten far into it when I had to lay it aside for other things. However, I think from what I recall from it, if the lawyers have not gone over it, they should (and I think there was a committee headed by a Mass. judge, Reardon, which also made an earlier ABA study, perhaps after the Sheppard decision). Anyway, I picked this up, found a few markers in it of things I intended taking up with Bud, and I note them. Page 12, the Standards:

"Provide that they (i.e., prosecution) should refrain from releasing the results of investigative examinations or tests, or from expressing opinions which reasonably may interfere with a fair trial."

* * *

"They (pros.) may announce that investigative examinations or tests are

planned, but not there results."

* * *

"State that it is improper for lawyers or law enforcement officials to: announce the existence or content of a 'confession' or the accused's refusal to make a statement; his prior criminal record; personal opinions as to the guilt of the accused; the identity or credibility of prospective witnesses."

This is not all, but I think it is enough to make a case that the government knew better than to do what it did and that it knew it was violating the rights of the accused, under the bar's standards, I think the most recent, these being of 1969.

(Some of the other notes may be of no interest, but on little scraps of paper I had one to ask Bud about the relevance of the 14th amendment; on another a note about the Estes case, where the Supreme Court held "this court itself has found instances in which a showing of actual prejudice is not a prerequisite to reversal.. ." (p. 23); Irvin v. Dowd, "...Would each juror was sincere when he said that he would be fair and impartial to petitioner but the psychological impact requiring such a declaration before one's fellows is often its father..." (p.23); Marshall v. U.S. (p.22), "...The prejudice to the defendant is almost certain to be great when that evidence reaches the jury through news accounts as when it is part of the prosecution's evidence..." (best check my quotes-you know my typing!).)

The deliberate prejudicing of a case by the government is not as exceptional as it may at first seem, for government sometimes has other objectives that may be more important to it than a sustained conviction. Here they may be depending upon Nixon's making other changes in the Supreme Court. I have a secret transcript of one proceeding in one court matter in one political assassination where the defense was not represented where the judge made this pretty explicit. XX

One example is current in Chicago, the local as distinguished from the federal grand jury in the Black Panther case. When one of my Chicago sources told me long in advance of its ultimate leaking that there would be indictments against States' Attorney Hanrahan (and there ought to be close to an airtight case), it was immediately obvious to me that this was the only way to avoid convicting Hanrahan, to prejudice the case against him in advance with publicity. It was also obvious to me long before all those Black Panther raids that there was a subtle but federally-inspired something coming, as what had to be edited out of FRAMES-UP and was written in advance shows. What that raiding party did it would not have dared doing once the civil-rights act was past without tacit understanding that Hoover and the FBI were all for it. Even this did not have to be spelled out, as it could have been without problem or publicity, for there were two blatant indications; the character of an earlier FBI raid on Black Panther headquarters (5 a.m. and total destruction, including of files and office equipment and the taking of a large sum of money) and Hoover's own statements, that the BPs presented the most serious threat to "national security", that new God.

The federal mind, on the operating level, tends to be unimaginative and to repeat without too much analysis and thought what has worked in the past. In my own experiences, I find them tending to depend upon raw power and to ignore the law, even to lie and perjure. They can be so contemptuous of even court orders that I got a summary judgment against the Department of Justice, something a little more unusual than breathing. I know of no other.

Jim is inclined to what to me is a paranoid view in some areas, but I doubt if he really understands the Mitchell-Kleindienst mind. These are dangerous extremists in the highest position vis a vis the law. If he has not followed them as closely as I and has not had dealings with them as I have, he may fall short of fully understanding that of which they alone are capable. I need not mention the perpetual lower-levels, where he has long-standing enemies. The administration knew it was about to be faced with a serious reverse in the Supreme Court, may well have anticipated the moment of

announcement, as the electronic media did with considerable accuracy, and needed something to counter this. And, of course, it pretends to be vigorously for law and order, with a record quite opposite it. They went after Marcello on old stuff, leaving little doubt of double (or was it triple?) jeopardy, and when they nailed him it was on an entrapment. And then they gave him the greatest luxury jails can afford. What they were doing was pretty obvious. Some of these land-dealings stories actually originated in Washington, not New Orleans or ~~Mr~~ Jeff. Parish. I saved one because this was so obvious to me. And, they have been giving more than the usual attention to your state in what I regard as a special kind of Southern strategy. Agnew must have made at least six major appearances there, if not others not publicized. This is a bit more than required to keep in touch with a Greek compadre. Even Bebe Rebozo goes to Washington to see Nixon! You may remember that I forecast the results of Jim's re-election more accurately than your people did, and at that it was either 5,000 or 10,000 short of Jim's plurality. The reason is not that I am brighter than they but I am more detached and not personally involved with my sources. People spoke to me as they would not to you (plural), and I have a more detached view of the unusual beliefs and attitudes of your area, which is one of a kind. As Jim once put it in an early day when we were "communicating", the greatest asset a politician can have down there is to be caught in the wrong bed. So, I was correct in my estimate of Jim's political popularity, and any major administration (Republican) assault on Louisiana for 1972 has to include doing something about Jim's (Democratic, remember, even the governor credited Jim with electing him) popularity. And, of course, there is what alone seems to have occurred to Jim, for what I have seen and heard, his criticisms over the JFK assassination, where the real transgressions were inside Justice, not by the members of the Warren Commission, another of my unchanged minority views. Without going further, is there not enough here to consider that Justice might be willing to have Jim win on appeal at some distant date, long after the 1972 election, assuming they do not by then depend on a changed Supreme Court, enough to warrant present excesses for the attaining of subtle objectives more important than putting him away?

Add to this the perpetual problem Pershing presents to them. Not only of trouble and cost for perhaps as long as he lives, but the danger to their entire system of informants should anything ever happen to him, even from natural causes. Somebody is willing to pay a very great cost. Jeopardizing Jim's legal rights is but a minor part of this, and that I think they have already done and intend further with those 113 pages of affidavits, to my non-lawyer's mind and thinking considerably in excess of any reasonable legal requirement or proper objective.

All those self-seekers, nuts and personable incompetents who moved in on Jim so fast and earned his confidence by telling him how great he was as I think you agree led him down one primrose path after another, to the end that he never conducted any real investigation aside from the Shaw matter. Some of the incompetence with which you were surrounded is unbelievable. Let me give you one sample, of one of the things Jim asked me to look into (for the wrong reasons), the business of Ruby's purchase of a painting from Larry Borenstein. Tom got real huffy about it. After all, wasn't Larry his friend, and hadn't he spoken to Larry? Well, rather than cause trouble then and because I had entirely different interests, I delayed this, spoke to Larry much later and then when having a cup of coffee with him, and pursued my own interests in my own way and time. At some more leisurely time in the future I will, if we have it, tell you the real significance. It is here relevant because I have a point in mind: none of you have ever really studied how the FBI framed things, from the simplest evidence to the members of the Warren Commission to history. You can include Oswald as you can Ray (where I now have such a totally exculpatory case, much more than is in my book, that I am willing to risk my reputation as a prophet to predict that they'll offer almost any kind of deal rather than risk a trial, should he live to get one, as he is, without any reasonable doubt, entitled to under even Tennessee law). Much of my work has been to first understand and then prove how they did/do these things. That business ~~is~~ of the picture is one of their major diversions to hide CIA involvement

of any kind, no matter how innocent it may have been and whether or not they thought it innocent. In this case, and I have no opinion of innocence, for thanks to some of the help I could not get, including from you and the lawyers, I was limited in how far I could go in the limited time I had and with the more limited funds. But I do tell you it also involves Shaw. As you know, I never investigated him per se and never visualized him as Jim did. But several things led to him, all carefully hidden by the FBI, and this is one. There is more on this that is not relevant to my immediate purposes and may now, in any event, be academic. I do not intend to needle you (plural, not personal) when I say I think you missed the real case of perjury, and not against Shaw alone. It is part of an FBI coverup I have largely uncovered, and there is what is relevant investigation they did conduct that they withheld from the Warren Commission. I have located and interviewed the witnesses and I have pinpointed and am seeking some of the tangible evidence of it. I think I will establish without doubt the destruction of some of it by the FBI, and I think I now have sufficient proof in my possession, including from another federal agency.

You know better than I Pershing's skills at framing, for I know of only his boasts to me, George Lardner and Dave Chandler (parenthetically, Dave did admit to me, on tape, with him controlling the on-off button, that Oswald did pinpoint Bringulier to him as involved in paramilitary operations when Dave was a reporter on the States). I am trying to tell you that Pershing is peanuts compared to the FBI and Justice. And I am adding that a policy decision was made, without doubt on a pretty high level, to jeopardize the ultimate decision if necessary to attain an immediate prejudicial objective.

I hope there will be sufficient agreement with me to zero in on those 113 pages as an effort to convict him in advance, to deny him his rights. It is almost the opposite of the legal situation with The Pentagon Papers. I believe that Jim's legal rights cannot survive the publication of those 113 pages. As no impartial jury could ever have been impanelled in Dallas had Oswald been permitted to live to be tried, so do I believe that if those 113 pages or any appreciable part of them are publicized in any substantial way, especially in New Orleans, where there will be more interest and attention, it will be utterly impossible for Jim to get anything like a fair trial. In fact, I think it is already impossible with what Justice has needlessly released, the ^{point} ~~part~~ of some of my earlier citations from the ABA Standards.

In a way and in keeping with what I have suggested of the tendency of the not overly imaginative minds to repeat the past, this takes a page from the Shaw defense, which charged that Jim had denied him his rights, making spurious charges, including against me, to make a favorable press but with no legal substance, as the Supreme Court held. My writing is quite contrary to their representation, as I regret Jim did not heed. It is, for example, pretty explicit in casting doubt on Russo, and that before I was ever in N.O. or met him. I couldn't get anybody down there interested, but Perry had to have at least met Oswald, and this he admitted to me, but now that is immaterial. Except in terms of whether he served a master or his own twisted interests. Is Pershing alone in serving other interests? Now or in the past?

I have to suspend this disjointed thing and get to other work. While I have been writing this, my wife has been going over the Washington Post and our local paper, which is smaller and goes to press much later than the edition of the Post that gets here. There is nothing about Jim or this case in either. I conclude with my "thinking", that for which you asked. It is that Jim and/or his lawyers ought to consider making a major point of detailing the flagrant attempt to try him in advance, to create a prejudicial atmosphere and opinion, including among all potential jurors, in what has already been said and I conjecture in those 113 pages. Remember how this was staged, aside from the Supreme Court Post/ Times decision: with an announcement by Mitchell in person, when he knew he'd have maximum attention, after his, Hoover's and Nixon's appearance at the usually well-covered FBI Academy graduation. I think an arrangement for guaranteeing more publicity is impossible. Hastily,