

Dear Jim, Gessell/WG-"national security" shift? 5/22/74

Ref: WxPost story "Nixon Tells Judge He Intended Leak Probe To Be Legal."

What a difference between Gessell's two comments on this!

Day before yesterday he rules against it (still not as strongly as he might, inferring that law-enforcement officials can ignore the Fourth Amendment) whereas in asking for arguments earlier he had indicated he would recognize a "national security" claim in the Fielding break-in.

I haven't seen the briefs (and think we should).

All I know that intervened is our minor contribution to his education, with an assist from Silbert & Co. and J. Lee Rankin.

Can you think of anything else to account for what seems to be a radical change in his thinking and speaking?

This story also reports Gessell is thinking of dismissing one of the five counts against Ehrlichman because it is too vague (not giving the question allegedly answered falsely). Remember the comment I made when these indictments were first handed down? I think they are all both inadequate and weak, considering especially what is public knowledge and most of all what came out under oath.

Haven't seen today's paper yet, but the charge against De Diego was dismissed and he turned state's evidence. If I remember correctly - and I'm not taking the time to look it up - Rothblatt represents him alone among the Ellsberg case defendants and had been making loud noises.

No suggestion of improper defense line. To the contrary, I think he threw a real scare into the government with strong suggestions that he would go into other cases like this one.

They are still being covered up.

When you come up again, bring your swimming trunks. I'm not sure you'll be able to swim, though. Just as I got the water filtered about clear of the accumulation of leaves, pine needles and sediment and had had it chemically pure for some days, suddenly, with a chlorine reading high enough to preclude the growth of algae man do we have them! The water has turned green from them! I'll have to call the city chemist today and see if he'll test a sample. The Ph was a little low, so I put more soda ash in and then this happened. Wonder if I have a defective batch of it. I have it an extra shot of chlorine and we'll see what happens. But when the sun comes up, that's when the algae grow.

Life is never simple here!

The Kabaks are coming this weekend or next. Ed called last night. He has a record of Rankin being considered as the guy who would pass on national-security matters I think in WG matters!

Best