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12/4/72

Mr. Kraslow,

After I wrote the letter I heard a brief item on CBS news to the effect that Judge Sirica is going to admit testimony about the source(s) of the $114,000. This may have other than the obvious significance and I think it may relate to what I wrote you about.

There is an indictment under which these men are to be tried. The story of the $114,000 was well if not completely reported. The government elected to suppress this part of what was known in the indictment. I am surprised that the press ignored it. There is a charge that McCord put up a sum I recall as $1,500, but that is all, even if McCord's own equipment cost more than that.

Airing what has been well reported at the trial will not add to public understanding of the crimes. It will, however, lay a basis for reversing conviction. There was an enormous amount that should have been in the indictment and was not. The matter of the $114,000 is but one item. And if it really wants to do it the right way, the government can. It need do only what it did in the Berrigan case, get a new indictment. If it fails to and goes into what is not in the indictment, there is the risk of reversal, which would leave an unsolved crime. Double jeopardy.

Going into the $114,000 and pinning it on zealots will have the effect of isolating these crimes from the White House.

It is interesting that Sirica takes the reported stand. He is the judge who sat on the FOI case I now have before the U.S.Court of Appeals. It has been there for some months after hearing, without decision. His record in it is one of sycophancy the like of which I do not recall looking back on 40 years in and around Washington and watching it with more than usual care and interest. I asked the Department of Justice for a simple, scientific test that involves no secrets and was refused on the spurious ground that it is part of what the law exempts, an investigatory file for law-enforcement purposes. So, my lawyer asked the obvious question, what law is being enforced? There was none, of course. In response, the Assistant United States Attorney, Werdig, said there just has to be some law, human or natural. And on this basis Sirica ruled in favor of the government. This is but one example of Sirica's constituting himself an arm of the government. I think it makes his position in the Watergate indictments the subject of legitimate questioning.

Going back to the indictment, it has other rather glaring omissions. One is the total lack of mention of the official connections of those indicted - and <u>all</u> were spooks. <u>All</u> had histories of working for the CIA, the FBI, or both. There is no mention of either spookery in the indictment. Liddy is the only one, as I recall, without CIA past. Barker and McCord at least had worked for both. Barker and Martinez figured in the FBI's investigation for the Warren Commission. I have the reports. The FBI omitted in what it gave the Commission and reference to Barker's CIA past or to his previous connections with it. The government can be consistent. The indictment makes no reference to the aliases Hunt used in the CIA, those by which he is listed in standard biographical sources. And the alleged Bay of Pigs code names of both Hunt and Barker are not in standard sources, such as Haynes Johnson's The Bay of Pigs. I believe the wrong code names were leaked immediately to hide the fact that they were the two in charge. Think about this as it relates to Hunt in the White House a decade later.

Harold Weisberg