JeS. to the NEWS

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PROSECUTING THE FBI

One of the greatest movies ever made was HIGH NOON, a gripping western that pitted .Sheriff Gary Cooper alone against the bad buys, while all the community leaders found excuses to avoid backing him up in his lonely fight to preserve law and order.

The town's leaders mouthed a lot of pious phrases about non-violence and the need for a peaceful solution to the threat of an armed gunman due to arrive on the train at twelve noon, but they really were a bunch of cowards who didn't deserve to have a courageous sheriff risk his life in their behalf.

If the American people allow a bureaucrat in the Justice Department named Stanley Pottinger to proceed with the criminal prosecution of FBI agents for trying to protect us against terrorists, then we no longer deserve to have the.. brave and dedicated men of the FBI protect us.

We will be just as contemptible as the cowardly citizens in the movie HIGH NOON who hid out when there was a dangerous job to be done, even though that job was essential to their own safety from criminals.

The plain fact is that there are bad buys in the world today, just as there were in the days of the wild west. The terrorist group involved in the current case is called the Weather Underground Organization. It claims responsibility for a string of bombings and has ties with Castro's Cuba.

They must need closer supervision thal\ they have been getting because 17 of its members are now fugitives from justice, including Mark Rudd and Bernardine Dohrn.

In an attempt to protect us from the Weather Underground Organization, the FBI investigated t criminal activities. One FBI agent has now been indicted for allegedly violating the civil rights of underground Weather Organization conspirators by reading their mail and wiretapping.

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Last May a U.S. Court of Appeals held that a person cannot be found guilty of a civil rights violation for a surreptitious entry if made in good faith in reasonable reliance on the authority of a superior's orders. The FBI agents whom the Justice Department is trying to prosecute obviously have the "good faith ... reasonable reliance" defense.

Some believe Mr. Pottinger is pushing these prosecutions without hope of convictions on the chance that plea bargaining will open up the possibility of prosecfion of their superiors whom two grand juries have refused to indict.

No court has ever ruled that a surreptitious entry for valid national security reasons is unlawful or unconstitutional. Surreptitious entries for foreign in telligence purposes have always been considered legal.

During some years, surreptitious entries for national security purposes ha e, been standard FBI procedure, and during other years the FBI has had a contrary policy. In any event, the Weather Underground Organization has foreign ties which would increase the necessity for investigation by our security agencies.

It may be arguable whether anyone's civil rights were violated, whether surreptitious entries by the FBI should be allowed, and whether national security justified these particular entries. It is wrong, however, to try to resolve such issues by the· criminal prosecution of an FBI agent acting under orders.

The real issue in this case is whether the American people are going to back up or abandon the brave men who are defending us against the growing bands of criminals who prowl our land. If we allow these unfair prosecutions to proceed, we deserve to be left at the mercy of the terrorists and criminals.

It is time to ask, which side is the Carter Administration on -- the terrorists or the FBI?

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