

Caddy. Michael Douglas, deposition in O'Brien v. McCord, CA1233-72, Friday, August 25, 1972. Counsel: Dem's, Williams, Edward Bennett; defendants, Henry Rothblatt and Leonard B. Phillips; Caddy, Peter Maroulis; Hunt, Austin Mittler; Caddy, Urban A. Lester and Joseph Contrucci. Williams' office

3. With Gall, Lane, Powell & Kilcullen since 11/15/70. "Prior to that" with General Foods "in the handling of its government relations." Began 9/67.
4. "Mr. Mittler is here because it is the contention of Mr. Hunt that at some point Mr. Caddy was his lawyer, and Mr. Mitler is here to protect the lawyer-client confidentiality relationship." (Williams says) "We have acquiesced in the presence of Mr. Mitler and Mr. Maroulis for the purposes which they have asserted, but I do not want that to be a waiver hereinafter or our rights to confine attendance at these depositions to counsel for the parties." (Maroulis alleged same purposes as Mittler.)
6. After counsel discussion of letters, Caddy starts to read some. With prepared statement: "I have represented Mr. Hunt as his lawyer in various matters since July of 1971. This representation has included, among other things, advising Mr. Hunt on legal matters involving book publishing and other personal business ventures...."
7. During the course of this representation, Mr. Hunt had occasion to consult with me with respect to matters that relate to the alleged break-in of the Democratic National Committee Headquarters. I have received a letter from Mr. Hunt with respect to my appearance at this deposition..."consults counsel before reading) Then corrects date to 7/70, not 7/71.
8. Note - With respect to Dossier on Douglas this means not at the outset. In referring to this representation and to "during the month of June and early July, 1972...At no time during the confidential discussions that we had were we involved in any way in matters that could possibly be construed as on-going criminal activity.... my instruction that you not in any way, waive the attorney/client privilege during your deposition..." gives no date.
9. 8/25/72, from Rothblatt for his clients, "...you have represented us beginning with your visit to us at the police precinct...up to on or about the 5th day of August, 1972, when you withdrew as out attorney in the civil proceedings pending against us."
10. This does not say when he "withdrew" in criminal matters/ representation. "...you are in no way to waive the attorney-client privilege..."
11. 8/24/72, Liddy to Caddy: "As my attorney until early July 1972..." (no beginning given.) "I understand, however, that you have answered some questions before a federal grand jury in a manner which I believe, quite frankly, disregard your obligation to me as my attorney."
12. Lester objects to Liddy's statement "in regard to Mr. Caddy's activities in regard to a federal grand jury...and also on behalf of the attorneys who were advising Mr. Caddy..." Add "I ~~would~~ further content that it is irrelevant and immaterial to this particular deposition..."
- 13-14 Before grand jury June 28, 30; July 5, 7, ~~another day in July~~ July 19 "was the final date" and "It was either six or seven times."
- 17-18 Lester has to direct Caddy to answer Williams' questions that he says are matters of public knowledge. On lawyer-client privilege, civil contempt.
- 19-20 refuses to answer grand-jury questions on Lester's advice.
- 20 "I first met Mr. Barker, I believe it was in the month of May, 1971." Rothblatt objects to "under what circumstances did you meet him?" Rothblatt claims that answering questions about before Caddy represented Barker "would invade the attorney-client privilege..."
21. Lester advises him not to answer. Long hassle on this.
- 24 Rothblatts objects to "When was it that you were retained to represent Mr. Barker?" Lester directs Caddy not to answer. Same on "Who was it, Mr. Caddy, who originally retained you to represent Mr. Barker?" Rothblatts concludes this argument with, "These facts might

✓ elicit some possible overt acts in connection with the alleged conspiracy and certainly we do not want the attorney to be revealing ~~some~~ any factors which might tend to incriminate Mr. Barker." Lester joins in objection.

25 Same on "Did you receive any fee at any time from Mr. Barker?"

26. First met McCord at precinct a.m. 6/17/72 Did not know of him, either.

26-7 Long hassle followed by refusal to answer, "And on the occasion of your meeting him on June 17, 1972, did he retain you as his counsel?"

28 "I first met Mrs. McCord on Sunday, June 25th." But "talked to her the evening of June 17th... approximately 16 hours after their arrest."

✓ 29 First met Mrs. Barker Sat 6/24 but first talked to her by phone about time he first spoke to Mrs. McCord.

✓ 30 When asked, "Did you ever make a statement to anyone that you talked to Mrs. Barker during the night of June 17, 1972, after the arrest of the five defendants?" Caddy says "I would like to confer with counsel," after which Williams says, "I think the record should show that counsel for the witness, Mr. Caddy, is conferring with counsel for Mr. Hunt." After question is read back and ~~some~~ Caddy consults with Lester, "Yes, I did."

31. "To a CBS reporter, but I don't know which one."

Long hassle on if she "asked to inquiry as to the whereabouts of her husband..." Rothblatt adds husband-wife privilege. Refuses to answer. Same on 32, "What you told the reporter on that subject was false. was it not?"

33 Refuses to answer.

"Now, Mr. Caddy, did you receive a call between midnight and seven o'clock a.m. on June 17, 1972, from E. Howard Hunt?" Mittler objects, "covered by the attorney-client privilege" extended bottom 34 to "I think the record would support the fact that that representation was general in nature and continued from July of 1970."

356 Prior to 6/17/72 no conversations with Barker "about any eavesdropping at the Democratic National Committee headquarters." Not with anyone else.

First met Martinez that a.m., at precinct. Ditto Sturgis.

37 Ditto Gonzalez.

✓ "I first met Mr. Hunt, to the best of my recollection, the day he joined the staff of the Robert R. Mullen Company... it would be approximately April, 1970... I was an employee of General Foods Corporation. [It had] retained the Robert R. Mullen Company as its public relations counsel here in Washington, D.C. and I had my office - although I was an employee of General Foods Corporation at all times and reported solely to General Foods personnel, my own personal office was located within the Robert R. Mullen Company."

✓ 38 "Mullen then Kiplinger Building, 1729 H, nw

39 "When did you last talk to Mr. Hunt?" objected to, attorney-client. (Even if this was after his claimed representation ended?) Long hassle

41-2 ~~Have~~ "Have you had conversations with Mr. Hunt, Mr. Caddy, that were separate and apart from your relationship to him as a lawyer? Yes" but "since June 17, 1972? No."

42 Caddy's secretary for year Miss Joyce Dow

43 "...did you have any discussion with Mr. Hunt prior to June 17, 1972, about information that was being obtained from the Democratic National Committee headquarters...?" Mittler objects "that it calls for information covered by the attorney-client privilege..."

44 Not answered. "...permission was granted for me to withdraw as his [Hunt's] counsel-- I believe the exact date is Thursday, July 6th." Asked by whom, confers Lester and

45 "I had initial conversations with Mr. Bittman about this subject on Wednesday, July 5th. ...on Thursday, July 6th, he confirmed orally to my counsel here, Mr. Lester... that my request for permission to withdraw had been granted by Mr. Hunt. But he had "entered your appearance in any court for Mr. Hunt" and had not "accompanied Mr. Hunt to the grand jury."

46 no conference with Hunt since 7/6/72. Saw but no conversation, in court house. "Mr. Bittman was there at that time."

48 Got earlier letter from Hunt saying no attorney-client waiver.

"Did you engage Mr. Bittman for Mr. Hunt?" 49 Mittler objects. After hassle, on 50, "No, I did not retain Mr. Bittman for Mr. Hunt." Wrong question. Right one not "Did you engage" but had he any part in arranging. Or knowledge

50 Long hassle begins on "have you been associated with, or connected with, or been a member of, The Committee to Re-Elect the President?" with repeated re-readings of question, Lester inferring "any type of attorney-client relationship", etc. Finally,

53. Caddy, "Excluding any attorney-client relationship, I have not been associated, connected, or been a member of -- one second please" (confers Lester) "I did contribute some money, a small amount, very small amount" (\$15 or \$25.)

54. "Excluding the attorney-client relationship, I have not received any money" from CREEP.

After "Have you ever disbursed any money on behalf of" Creep, another long Lester hassle, also over when he says excluding attorney-client. And on

57. "Well, then, would you state for the record, Mr. Caddy, who were your clients other than the seven that have been named here?" Also when asked

58 "Have you disbursed any moneys to" the seven. When Lster insists he take one at a time, top 59 Rothblatt objects if "that took place during the attorney-client relationship dealing with funds."

61 When Williams reduces to Hunt and Liddy, Mittler confers with Lester and Caddy with Contrucci then Lester and Contrucci, the 62 Mittler objects, attorney-client.

63, Caddy, "excluding the attorney-client relationship, it could have been only lunches, and that might fall within the relationship, buying a lunch or several lunches." Later, "Maybe taxi fares."

63-4 On when he withdrew as Liddy's counsel, 7/6. One conversation, 7/15, "I met him in the corridor of an office building" and asking "How are you?" was "the full extent of the conversation."

65 "Were you aware of the fact that Mr. Liddy was representing Mr. Hunt?" "Yes, I am aware of that fact."

66 "That you were representing Mr. Hunt and also Mr. Liddy was representing Mr. Hunt, is that correct?" Learned from papers, "I think it was about the time that Mr. Liddy was appearing before the grand jury," but Hunt "never told me that."

[Here and generally on Caddy's representation of Hunt I think there are substantial questions of perjury.

Maroulis objects to did he discuss break-in with Liddy.

67 Beginning same hassle on his disbursing moneys to Liddy. Inc. for CREEP. Parkinson conversation that a.m. in Williams outer office. This is longest hassle.

74. Parkinson told Caddy "he thought that the subpoenas for the telephone records were returnable at ten o'clock this morning." Caddy thought 2 p.m.

75 Then Caddy referred to that day's NYTimes and showed it to Parkinson, who then left.

"I First laid eyes on Mr. Gordon Liddy... arch of this year." 76. At a lunch for a friend who was getting married. When he says met about four times. Maroulis objects, same allegation.

78 ~~Late~~ March only social occasion.

80 Does he know Colson? 81 "Yes." Met once briefly. Day Nixon left for China. Caddy was invited to White House. "I was chatting with his secretary and with his secretary's husband just prior to out going down to see the helicopter take off when Mr. Colson came out of his office, and his secretary said, 'Oh, I would like you to meet Douglad Caddy,' and I said, 'How do you do, sir.'"

83. Spoke to Glen Sedam once: "It was on -- I think it was one Thursday, June 22. I called ~~the~~ the Committee to find out, because you suit had been filed by then, to find out who their counsel was going to be in this suit, because I was going to represent the five defendants in this suit, and I wanted to know who counsel would be for the Committee."

What interests me about this is that Caddy was not in the strict sense counsel or going to be counsel for the defendants. He was still technically in the case but from the first he was not, strictly speaking, their lawyer. Not after his initial appearance at the precinct. And he knew it. He even sat apart in court. So, while his interest could have been in learning who would represent the CREEPs, I suspect he had read it in the papers.

83-4 Interesting that among all those lawyers there was no objection when Caddy was asked if he knew of the whereabouts of any fruit of the eavesdropping. Here there was an intrusion into lawyer-client privilege possible and probably, but silence. No objection when he was asked, "Did anyone ever tell you what became of them?" until after he answered, when Lester's objection is not to this intrusion but that "It presumes that that is a fact."

85. This question and answer need correlation with the Ervin committee's staff summary on Hunt, which I do not here take time for:

"Do you know Spencer Oliver?" Caddy: "I think I met -- I never met him but I think I did speak to him over the telephone at one time...quite a while back. I would say it was approximately August of 1970. In other words, when I was working for General Foods and Bob Oliver, his father, was retained as one of General Foods' consultants...Maybe I am confusing him with Bob Mullen's son..."

Note: Bob Oliver lobbyist, not public relations, and he was on Mullen staff.

Caddy, Hunt, Bennett ~~and~~ to have brought Mullen's interest in Mullen out and considered hiring Spencer Oliver, at about time Caddy mentions. Why he switched to Mullen may be worth trying to follow later.

85-6 Hassle when he is asked if he was given immunity by grand jury. Rothblatt includes in his objection "an invasion of the rights of my clients."

87 When Lester asks Williams to withdraw the question and Williams won't he includes what may explain what otherwise seems like considerable professional incompetence, "I think all of these issues and going to have to be resolved by some judge because we have obviously an overriding about what ~~the~~ ^{the} permissible limits on my examination are. You have advised your client not to answer almost all of the questions, and some judge is going to have to decide whether you are right or we are right." Lester: "...I appreciate it."

88. Williams: "Now I have many hours of questions to ask Mr. Caddy, and it seems to me it would serve no useful purpose...to explore all of the areas that you have said you are not going to permit him to answer..." Lester: "...I appreciate your consideration." These legal arguments and discussions continue to the end.

It seems that Lester had to get to Denver (93), which does not necessarily mean to see Dita Beard.

There may be an indication that Rothblatt was turned on, perhaps politically, about Williams, his firm, associate or client. Lester had asked that if anything were to be done "to have the depositions unsealed generally, that you will want to be heard," Williams' paraphrase, and Williams said ~~sure~~ "Sure." Rothblatt then said, "I would assume that applies to my clients, too." Williams, perhaps a bit shortly, the cold words not showing, said, "It has to apply to your clients." Here Lester, seemingly soothingly, said, "You have no problem, Henry."