

New Data Shows Break-in Group Expected Pardon

Hunt Memo Turned in By Bittman

By George Lardner Jr.
Washington Post Staff Writer

Startling new evidence that was concealed for more than a year shows that the Watergate break-in defendants were expecting pardons as well as hush money before their trial ever began.

Associate Watergate Prosecutor James F. Neal disclosed the "bombshell document" at the Watergate cover-up trial here yesterday morning.

He said it had been withheld from the government by Washington lawyer William O. Bittman who had repeatedly denied any knowledge of it in testimony before the Watergate grand jury.

The memo, composed by Watergate spy E. Howard Hunt Jr. and his late wife, Dorothy, was dated Nov. 14, 1972, and warned that "half-measures will be unacceptable" if the Watergate defendants were expected to remain silent.

Former President Nixon has always insisted that he considered executive clemency only for Hunt and then only because of Mrs. Hunt's accidental death in an air crash in Chicago.

The airliner, however, did not crash until Dec. 8, 1972. The memo, written more than three weeks before that, protested in part that "the administration" was still "deficient in living up to its commitments."

"Those commitments," the memo stressed, "were and are: 1. Financial support. 2. Legal defense fees. 3. Pardons. 4. Rehabilitation."

Bittman, a former Justice

Department prosecutor who was Hunt's original lawyer, gave a copy of the 2½-page document to Watergate prosecutors over the weekend, apparently under pressure from members of his old law firm, Hogan & Hartson.

Clearly disillusioned and upset, Neal, an old friend of Bittman, hinted strongly that Watergate prosecutors are now considering the possibility of criminal actions against him. The two men had both been members of the Justice Department team that prosecuted Teamsters President James R. Hoffa in 1964 on a variety of charges begun under the Kennedy administration.

"I took Mr. Bittman's word," Neal said apologetically in submitting the memo to U.S. District Court Judge John J. Sirica yesterday morning before the jury was called into the courtroom. Until this past weekend, the prosecutor emphasized, "we had no idea that this startling document was in existence."

Its production quickly touched off demands for a mistrial by surprised defense lawyers, especially Jacob Stein, chief counsel for Nixon re-election committee attorney Kenneth Wells Parkinson.

Hunt, 56, in what he described as his first completely truthful account of the Watergate scandal, insisted on the witness stand last week that

See TRIAL, A12, Col. 1

Text of Hunt memo, A12.

TRIAL From A1

He had delivered the memo to Bittman in November of 1972.

Hunt had previously denied the memo's existence. But now, he testified that he not only gave it to Bittman but that Bittman later told him he had "read it" to Parkinson.

According to Hunt, Bittman told him "Parkinson said he would see what he could do" about the demands. Some two weeks later, Hunt said, a packet containing \$40,000 was

delivered to him in Bittman's office.

As Parkinson's lawyer, Stein protested that his defense strategy had been effectively undermined by "a cover-up within a cover-up." He pointed out that he had questioned Hunt closely about the memo last week—on the assumption that he would be able to make Hunt out to be a liar when Bittman finally testified.

Watergate prosecutors had routinely supplied Stein, and the lawyers for the other four cover-up trial defendants with copies of Bittman's grand jury testimony and other documents containing the lawyer's denials. Stein said he relied on those denials in challenging Hunt's account on cross-examination last week.

But now, Stein suggested, it appeared that perhaps Watergate prosecutors should have pressed for Bittman's indictment in the cover-up case instead of choosing to believe him.

The Watergate grand jury named the 43-year-old Bittman as an unindicted co-conspirator. Prosecutor Neal admitted that "there is no doubt that this clash between what we thought were leading members of the bar (Bittman and Parkinson) had some influence on prosecutorial decisions."

Neal contended, however, that Parkinson, who allegedly was a middleman in the hush money payments, was really in "no more difficulty" than he has been all along.

"He will have to do what we have to do—live with Mr. Bittman's testimony," the prosecutor said. "Mr. Stein is no more surprised by this development than the government is."

Sirica rejected the on-the-spot defense motion for a mistrial, but invited Stein to submit his protests in writing before Sirica decides what to do next. The defense lawyer contended that Parkinson was at least entitled to severance from the Watergate case and a separate trial before a fresh jury later on.

The incriminating memo,

which Hunt did not find, was entitled "review and statement of problem" and put the blame for the bungled Watergate bugging and break-in at Democratic national headquarters here on the original Watergate defendant's "sponsors."

Hunt also warned at one point:

"The Watergate bugging is only one of a number of ille-

gal conspiracies engaged in by one or more of the defendants at the behest of senior White House officials. These as yet undisclosed crimes can be proved."

A former CIA agent, Hunt said the seven Watergate defendants, who had been indicted Sept. 15, 1972, and "others not yet indicted" had first bugged the Democratic National Committee offices "against their better judgment" since they knew committee chairman Lawrence O'Brien was seldom there.

The first break-in was carried out over the 1972 Memorial Day weekend, according to trial testimony, and a second entry was ordered when one of the bugs that had been planted failed to work.

According to the Hunt memo, the burglary team protested once more, but "again, objections were overridden and the attempt was loyally made even though money for outside guards was struck from the operational budget by Jeb Magruder," then deputy director of the Nixon re-election campaign.

But if all that was ill-advised, Hunt protested, "the defendants' sponsors compounded the fiasco" by various acts, including "indecisiveness at the moment of crisis" and "failure to quash the investigation while that option was still open."

Alluding to Sirica and the original government prosecutors, the memo also complained that the defendants had been allowed "to fall into the hands of a paranoid judge and three self-admitted liberal Democrat prosecutors."

With Mr. Nixon already re-elected at that point, the Hunt memo cited growing concern that the defendants were being "abandoned." To counter any such inclination, the memo cited six "items for consideration," including these points:

- "Once the criminal trial ends, the DNC-civil suit resumes. In his deposition John Mitchell may well have perjured himself." (The DNC had sued the Nixon re-election committee over the bugging and break-in a few days after its discovery on June 17, 1972.)

- "Pending our three investigations by congressional committees the Democratic Congress is not going to simply let the Watergate affair

die away."

• "Congressional elections will take place in less than two years."

The memo also hinted that any of the defendants might break ranks since immunity from prosecution or judicial clemency for those who talked was "a standing offer" that might prove too tempting to resist.

"The defendants have followed all instructions meticulously, keeping their part of the bargain by maintaining silence," Hunt and his wife emphasized. But, they protested, the administration, "remains deficient in living up to its commitments."



Associated Press

E. Howard Hunt Jr. arrives at U.S. District Court.