

Watergate Clients' Lawyers Find

By Peter Osnos

Washington Post Staff Writer

At least four prominent lawyers retained by defendants in the Watergate criminal and civil cases have themselves become the subject of federal and Senate scrutiny as a result of actions they allegedly took in the course of representing their clients.

Far from being dispassionate advocates, they have found themselves thrust into the unpleasant limelight of the unfolding Watergate scandals, with their names in the newspapers, their careers and reputations suddenly at stake.

All four lawyers vigorously deny any wrongdoing. None of them has been charged with any crime, nor at this stage is there an indication that any of them will be. But their alleged activities, some of which they acknowledge, lead into ill-defined areas of legal ethics and reveal something of the complex relationships that exist between attorneys and the people who hire them to assure they get the best possible deal.

The central question at issue, as posed by legal experts in interviews last week, is this: did the Watergate lawyers, in serving what they saw as the interests of their clients, fall short of their responsibility to assure that justice was being served at the same time?

Putting it bluntly, did the lawyers know about the apparent attempts to cover-up the Watergate break-in and bugging by obstructing the investigation and silencing witnesses? And if they didn't, shouldn't they have? And, in any event, can their actions be held against them?

Regardless of how they are eventually adjudged, the lawyers involved say they are already suffering the consequences of their limited notoriety.

Kenneth Wells Parkinson is a 45-year-old partner in the Washington law firm of Jackson, Laskey and Parkinson. He has been a vice-president of the Legal Aid Society, vice-chairman of the anti-poverty Neighborhood Legal Services Project and is presently chairman of the admissions committee of the District of Columbia Court of Appeals.

Now, he says, his friends call him the "bag-man of Washington" because of his alleged role in passing along "hush money" from the Committee for the Re-election of the President, which he represents, to the seven Watergate defendants.

Themselves Under

Scrutiny

Parkinson says he was flabbergasted when his name was first publicly linked in April to the alleged pay-offs and he acknowledges stumbling through his initial contacts with reporters, especially the television crew that pursued him to a staid judicial conference he was attending at a Virginia resort. Since then, however, he has issued dozens of denials.

Last week he wrote to Time magazine to say he was "shocked and disturbed" to find his picture included in a recent issue along with many of those against whom the most serious allegations arising from the Watergate case have been made. Time

captioned his letter "vigorous defense."

"Of course I'm very worried about all of this being cleared up," Parkinson said in an interview the other day in which he once again denied having anything to do with the Watergate cover-up. "You can't be in the private practice of law," he said, "and be tarnished with this thing time and again."

William O. Bittman is a 42-year-old partner with the prestigious Washington firm of Hogan and Hartson, which he joined after making his mark as an aggressive Justice Department prosecutor who is credited with sending Bobby Baker and Jimmy Hoffa to jail.

Around town he has a reputation for being every

bit as tough and shrewd as any of the most celebrated criminal lawyers there have ever been. But now he finds himself on the telephone with inquiring reporters insisting that in defending Watergate conspirator E. Howard Hunt Jr., he did not break the law himself. He did not ever, he says, knowingly pass along money through Hunt to the other Watergate conspirators.

"If I had any suspicion anywhere along the line that my client was being influenced by outside factors," Bittman contends, "I would have withdrawn from the case."

Well then, Bittman is asked, is it possible that he, one of the country's savviest criminal lawyers, could have been used, made a messen-

ger for fixers and deceived by his own client? There is a moment's silence and Bittman admits, "It's possible."

The most serious accusations against Bittman and Parkinson have been made in grand jury testimony as reported in this newspaper and elsewhere.

Watergate conspirator James W. McCord, according to reliable sources, testified in late March that he had received \$3,000 a month in hush money from the Committee for the Re-election of the President under an arrangement worked out by Parkinson. Parkinson has called that charge "totally and completely false."

Last week he added that "absolutely no money passed through me." He would not say, however, if

The Watergate scandals and related campaign activities have involved a growing number of Nixon administration and campaign officials and entailed the services of many of the nation's leading criminal defense lawyers. What follows is a list of some prominent officials who have engaged lawyers in the wake of the scandals, and the names of principal lawyers who have figured in the Watergate case so far:

CLIENT

John D. Ehrlichman, former top Presidential assistant for domestic affairs.

H. R. (Bob) Haldeman, former White House chief of staff.

John N. Mitchell, former attorney general and director of Nixon campaign committee, indicted in New York in case involving campaign contribution from Robert L. Vesco.

Maurice Stans, former commerce secretary and chief of the Finance Committee to Re-Elect the President. Also indicted in Vesco case.

L. Patrick Gray 3d, former acting director of the Federal Bureau of Investigation.

John W. Dean 3rd, former White House counsel to the President.

Charles W. Colson, former special counsel to the President.

Jeb Stuart Magruder, former deputy director of Nixon re-election committee and White House aide.

Federick C. LaRue, former White House aide and aide to Mitchell at the campaign committee.

Herbert W. Kalmbach, former personal attorney to Mr. Nixon and campaign fundraiser.

Robert C. Mardian, former assistant Attorney General and Nixon campaign aide.

Egil Krogh, former White House aide and under secretary of Transportation.

E. Howard Hunt Jr., former White House aide.

G. Gordon Liddy, former White House aide and counsel to Nixon campaign finance committee.

James W. McCord, former security director of Nixon campaign committee.

Robert Vesco, international financier, indicted along with Mitchell and Stans.

Committee for the Re-Election of the President.

ATTORNEY

John J. Wilson, former government prosecutor; represented Sen. Barry Goldwater and also the American steel industry.

John J. Wilson.

William G. Hundley, former head of Justice Department's organized crime division and special assistant to Attorney General Robert F. Kennedy; among his clients was Gov. Arch Moore of West Virginia, in a federal income tax case.

Walt Bonner; represented lobbyist Cyrus Anderson, a codefendant in the bribery trial of former Sen. Daniel Brewster (D-Md.).

Stephen H. Sachs, former U.S. attorney for Maryland. He prosecuted the case against former Rep. John Dowdy (R-Tex.).

Charles N. Shaffer, former Justice Department prosecutor in case against James Hoffa and Robert C. McCandless. High-ranking campaign aide to Hubert Humphrey in 1968 Presidential race.

David Shapiro. Colson's law partner. The firm acquired Teamsters Union account after Colson joined.

James J. Bierbower, former director of Junior Bar Conference of the American Bar Association.

Fred M. Vinson Jr., former assistant Attorney General and son of the late Chief Justice.

James O'Connor, leading attorney in Phoenix, Ariz.

David Bress, former U.S. attorney for District of Columbia.

William Treadwell of Rockville, active in Republican politics.

William O. Bittman, former leading Justice Department prosecutor.

Peter Maroulis of Poughkeepsie, N.Y.

Bernard Fensterwald Jr., presently representing James Earl Ray, assassin of Martin Luther King; former Senate investigator and active in private inquiries into political assassinations.

Edward Bennett Williams, one of the nation's best known defense lawyers; represented James Hoffa.

Kenneth Wells Parkinson, active in legal aid programs; and Paul L O'Brien.

Gerald Alch, former lawyer for McCord and partner of F. Lee Bailey; and Henry J. Rothblatt, former lawyer for the Miami defendants.

that about \$200,000 of the money intended to buy silence was delivered to Hunt and Bittman for distribution to the Watergate conspirators.

Bittman says that he did receive anonymous telephone calls about envelopes to be delivered to his office for Hunt, but he says that he never opened any of them and adds that Hunt frequently received mail at Bittman's office.

Bittman will not, however, discuss the circumstances of these anonymous telephone calls, the envelopes that resulted from them or why his curiosity about the incidents was not greater.

To discuss the matter further, he said, would violate "attorney-client privilege"—the age-old protection for a client against his lawyer being forced to reveal what he has been told in confidence.

Bittman says that to his knowledge Hunt was never pressured by anyone to plead guilty and avoid a trial, nor did Hunt try to pressure the other defendants to change their pleas as McCord has said he did. The four Watergate defendants from Miami did plead guilty just after the trial started over the objections of their lawyer, Henry J. Rothblatt. Rothblatt, an outspoken New Yorker, dropped out of the case, but let it be known that he thought Hunt was responsible for pressuring his clients and, as one source close to Rothblatt put it, Hunt was "acting for others."

Bittman contends that Hunt's decisions about the case were based "on the death of his wife" in a Chicago plane crash Dec. 8. "He just didn't feel he had the strength to go through with a trial," Bittman recalled.

Besides Bittman and Parkinson, at least two other lawyers have been named in sworn testimony as having some lesser part in the events surrounding the Watergate cover-up.

Paul O'Brien, 47, of Washington, is the co-counsel to Parkinson in representing the Nixon re-election committee in the civil suit the Democrats filed after the Watergate break-in. According to a sworn affidavit from Judith Hoback, a former CRP employe, O'Brien was present along with LaRue at a session in which she was questioned about why she had requested a confidential interview with the FBI to talk about the Watergate case.

Mrs. Hoback had been interviewed once by the FBI at Nixon campaign headquarters, but she subsequently asked to be interviewed again in secret, out of the presence of campaign committee officials. She asked for the second inter-

he knew of money that might have passed through others. "I knew what I was doing," he said, "I was carrying out my duties. In politics, as I have learned, you find that people operate on a 'need to know' basis."

Frederick C. LaRue, a former high-ranking official of the President's re-election committee, testified to the grand jury recently, according to government sources,

view, she said, because she had additional information to give that had not been pursued during the initial questioning. Within 48 hours of her meeting with the FBI, Mrs. Hoback said, she was called into the office of former Assistant Attorney General Robert C. Mardian, then political coordinator of the Nixon campaign.

When it was disclosed in March, Mrs. Hoback's affidavit was the first public confirmation that the confidentiality of the FBI's Watergate investigation was being compromised and information turned over to the White House and then to the Nixon campaign committee itself.

Parkinson, speaking on behalf of himself and O'Brien, concedes that such a meeting took place, but contends that its purpose was not to intimidate Mrs. Hoback or other witnesses into silence.

"We were concerned, "he explained," that people within the organization were giving information to the press and the FBI without our knowledge and in a context that we couldn't understand . . .

Unlike Bittman and Parkinson who have issued statements and made themselves available for interviews, O'Brien actively seeks a low profile, wincing, he says, every time he sees his name in print. He has told friends more than once that he regrets ever getting involved in the case in the first place.

Sources in the Justice Department and the Senate Watergate committee say O'Brien has been cooperative in their investigations, and that he provided some of the first leads about payments to the Watergate conspirators.

Earlier this year, he was one of the first people in The Nixon campaign apparatus to urge full disclosure of campaign contributions and expenditures, according to two sources in the Nixon committee.

In addition, sources said that O'Brien flew to San Clemente to meet with former presidential aide John D. Ehrlichman on April 5 to again urge a full disclosure of the Watergate matter and the Nixon campaign finances.

The fourth lawyer involved, Gerald Alch, the natty, artificially tanned partner of nationally known defense attorney F. Lee Bailey, has received the most public attention of all. Alch, until recently McCord's attorney of record, was accused by his former client in televised testimony May 22, before the Senate Watergate committee of asking him to remain silent by assisting in the arrangements for an offer of clemency and suggesting that the CIA, in effect, be blamed for the bugging operation.

Alch promptly received a chance to respond and in an archly polite, lengthy presentation to the committee, he denied having anything to do with the efforts to keep McCord quiet. As for the allegation that he told McCord he could get CIA

documents forged and ensure the cooperation of the CIA director James Schlesinger, Alch said that was "absurd and untrue."

Alch did admit passing along to McCord a message that a "friend" would be calling him—a call that turned out to be an offer of executive clemency for McCord if he agreed to remain silent—but Alch said he got the message from Bittman (who the next day issued a statement saying he got the message from O'Brien. O'Brien, informed sources said, got the message from former White House Counsel John W. Dean III).

Such an offer to a defendant in the midst of a trial, as McCord was, is an obvious violation of the law. Since Dean allegedly said to former White House aide John J. Caulfield that the clemency offer was authorized by the "very top level of the White House," the matter goes to the heart of the Watergate affair—the possibility that President Nixon might have been involved.

But the message bearers—O'Brien, Bittman and Alch—said they knew nothing about executive clemency and did not consider they were doing anything wrong in passing along word that a call would be coming.

Alch in his Senate committee appearance was closely questioned about his response when he learned from Bittman that McCord would be hearing from "a friend."

"Didn't you ask who the friend was?" queried Fred Thompson, the committee's chief Republican counsel.

"I did not," Alch replied.

"Didn't it concern you," Thompson retorted, "as a criminal defense lawyer when anybody else is making contact with your client, whether it is another lawyer, a third party, another defendant? Isn't that something that concerns a defense lawyer in the trial of a case?"

Alch said he assumed that the call was coming from Hunt in an effort to reassure McCord that he would not be, as he feared, the fall guy in the case.

(In the course of his testimony, Alch added the name of still another lawyer to those whose probity has been called in question. Bernard Fensterwald, he said, the lawyer who had

taken his place with McCord, had told him over the telephone that he was "out to get the President." Fensterwald sent the committee a statement, but did not specifically deny Alch's accusation.)

Although they have been following the case with great interest, the lawyers in Washington's clannish legal community are generally reluctant to assess the actions of their brother attorneys entangled in the Watergate affair, partly because the full story remains to be told, but more importantly because the ethical area involved is such a gray one.

One experienced lawyer who has been in and out of the Watergate litigations himself said it was understandable that the lawyers got caught in maneuvering that would attend such a politically sensitive case.

"Once a lawyer gets involved in a case like this one," he said, "the client tends to use him like an errand boy. My own test is that if what the client wants is relevant, I'll do it. If it's not relevant, I won't do it."

Even the American Bar Association's Code of Professional Responsibility and Canons of Judicial Ethics fails to neatly draw the line on what a lawyer can do if he believes it will benefit his client.

"The duty of a lawyer, both to his client and to the legal system," states canon seven of the code, "is to represent his client zealously within the bounds of the law." But the "bounds of the law," the canon continues, "in any given case are often difficult to ascertain."

One Washington lawyer, watching Watergate from a comfortable distance, offered his view on the plight of the lawyers involved in the case and in doing so voiced again the theme often heard when Watergate is discussed:

"I think," he said, "that what we are seeing with the lawyers, are things that are not unusual. I think what's different is that these guys got caught."