

Surprise Memo by Howard Hunt Revealed at Trial

Washington

Prosecution lawyers jolted the Watergate coverup trial yesterday with the disclosure that they have obtained a copy of an E. Howard Hunt Jr. memorandum they thought had been destroyed.

Prosecutor James F. Neal said a copy of the 2½-page memorandum was obtained during the weekend from William O. Bittman, Hunt's former lawyer.

Neal said that for a year and a half Bittman had denied that he ever received the memo.

The memo introduced into evidence by Neal is titled "Review and Statement of Problem." It urges the administration to provide promised money and pardons for the seven Watergate break-in defendants. Hunt was one of the seven.

The surprise disclosure prompted lawyers for two of the five defendants in the coverup trial to move for a mistrial.

"I am faced with a cover-up within a coverup," said Jacob Stein, lawyer for Kenneth W. Parkinson, the man Hunt said was intended to receive the memo.

The disclosure placed Bittman in jeopardy of prosecution and weakened the government's case against Parkinson because one of the charges against him is his alleged knowledge of Hunt's memo. Neal said that Bittman admitted to prosecutors during the weekend he had received the memo from Hunt, but had never given or read it to Parkinson.

U.S. District Judge John J. Sirica made an immediate response to Stein's request for a mistrial. He denied a similar request from John J. Wilson, lawyer for H. R. Halderman, former White House chief of staff and one of the five men charged with conspiring to block the investigation of the Watergate break-in.

Sirica told prosecution and defense attorneys to submit

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legal arguments by the end of the week on whether he should summon Bittman to court to testify about what happened.

Bittman had been named an unindicted co-conspirator in the case. The prosecutors had indicated they wanted him to testify.

But after disclosing how he had obtained the memo, Neal said he had dropped plans to call Bittman as a witness because he could no longer vouch for Bittman's credibility.

Neal and Bittman were colleagues in the 1960s in the Justice Department and together they prosecuted the Bobby Baker case.

Sirica refused to allow the prosecutors to recall Hunt to the stand yesterday to confirm that the unsigned document is the memorandum he wrote two years ago.

The disclosure came before the jury entered the room for the continuation of cross-examination of Jeb Stuart Magruder, former deputy director of Richard M. Nixon's 1972 campaign committee.

Hunt had testified that in November, 1972, he and his wife composed a memorandum outlining the problems and needs of the seven Watergate break-in defendants.

He said the document had been delivered to Bittman, who was to pass it on to Parkinson. Hunt testified that Bittman told him he had read the memo to Parkinson.

The document introduced into evidence is unsigned and addressed to no one.

The memo notes that "the defendants have followed all instructions meticulously, keeping their part of the bargain by maintaining silence . . . having recovered from post-election euphoria, the administration should now attach high priority to keeping its commitments and taking affirmative action in behalf of the defendants.

"To end further misunderstandings the seven defend-

ants have set November 27th at 5:00 p.m. as the date by which all past and current financial requirements are to be paid, and credible assurances given of continued resolve to honor all commitments. Half measures will be unacceptable. . .

"The foregoing should not be misinterpreted as a threat. It is among other things a reminder that loyalty has always been a two-way street.

"The administration, however, remains deficient in living up to its commitment," the memo says. "These commitments were and are: 1. Finance support. 2. Legal defense fees. 3. Pardons. 4. Rehabilitation."

The memo also states that the Watergate bugging was "only one of a number of highly illegal conspiracies engaged in by one or more of the defendants at the behest of senior White House officials."

In addition, the memo points out that "congressional elections will take place in less than two years."

Hunt had said he made no copies of the memo and did not know where the memo was.

Neal said, "Mr. Bittman testified under oath Mr. Hunt did not deliver any memorandum for Mr. Parkinson. He did not mention, however, that he had received a memorandum for any other person."

Bittman called Neal on Saturday and told him Hunt had given Bittman a memorandum not for Parkinson but for Charles W. Colson, former White House special counsel and a Hunt friend and sponsor, according to Neal.

"He further stated he had not delivered it or read it to Mr. Parkinson," Neal said.

"Mr. Bittman claimed he did not intend to mislead us," said Neal.

Neal said Bittman gave him a copy of the memorandum and said he had sent

the original to an associate of Sidney Sachs, another Washington lawyer who represented Hunt for a short period.

Neal said he got a call last Friday from members of a Washington law firm with which Bittman had been associated. During subsequent meetings Friday, the members of the law firm told Neal that on May 31, 1973, in preparation for responding to a subpoena from the Senate Watergate committee, they had inventoried Bittman's file on Hunt.

Among the material was a memorandum dated Nov. 14, 1972, which the lawyers recalled was titled "Review and Statement of Problem."

The lawyers in the firm said they were reminded of the memo by Hunt's testimony, and when they checked the firm's microfilm of such files, they found that the memo was missing.

Stein said that he heard from Bittman on Sunday and that Bittman told him "his position still is he never told Mr. Parkinson of the existence of this memo."

Richard Ben-Veniste, an assistant special prosecutor, said the government still is not completely satisfied with Bittman's account of who got the memo.

A.P. & U.P.