

Partner Disputes Bittman's Testimony on Clemency Note

By Lawrence Meyer
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A former law partner of Washington lawyer William O. Bittman gave testimony yesterday that appeared to conflict directly with Bittman's sworn statement that he did not read a blackmail memo given him by Watergate conspirator E. Howard Hunt Jr. until April or May, 1973.

Austin Mittler, a former partner and a close associate of Bittman's, testified that on Nov. 14, 1972, Bittman showed him a memo from Hunt, Bittman's client, in which Hunt, in effect demanded hush money from the Nixon administration.

Representatives of the special Watergate prosecutor already have indicated that Bittman, a prominent Washington criminal defense lawyer, is under investigation as a result of his prior court testimony concerning the Hunt memo. The conflict of Mittler's testimony with previous statements under oath by Bittman could provide the foundation for giving Bittman flase testimony.

In addition, another partner in Bittman's former law firm, Hogan and Hoartson, gave testimony yesterday indicating that Bittman may have told the special prosecutor about the Hunt memo only after learning that his former law firm was going to do so. This also would contradict previous sworn testimony by Bittman.

The memo—written and delivered by Hunt to Bittman in November, 1972—contained threats by Hunt and the other original Watergate defendants to implicate others in the scandal if their demands for money, pardons and "rehabilitation" were not quickly met. *16 NOV*

Bittman testified during an extraordinary hearing in the Watergate cover-up trial on Monday that he did not "have any recollection" of having read the memo before April or May, 1973, Bittman testified that Hunt gave him the memo in November, 1972, to hold for possible delivery to special White House counsel Charles W. Colson. Bittman said he put the memo in a file in his office without reading it.

Continuing his testimony yesterday, Bittman reaffirmed his statement that he had not looked at the memo in November, 1972. "I am sure that if I had read the memo at that time, I would have reacted to

it," Bittman testified.

Mittler, however, indicated in his testimony that Bittman showed him the document on

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Nov. 14, 1972. Mittler testified that he read the memo and "there were some things in the document that I recall were disturbing." Mittler said he asked Bittman, "Why are we receiving documents like this? Why don't you tell Howard to stop sending them?"

Asked by assistant special prosecutor Jill Wine O'Neil whether it was the word "clemency" in the memo that disturbed him, Mittler replied, "it may well have been the word clemency."

In addition to his testimony Mittler produced his diary for the period of Nov. 14, 1972 that contained this notation for 4:45 p.m. on that date: "confer with W.O.B. re: Hunt position—review of memo." The diary indicated a half-hour discussion, Mittler testified.

Mittler said he had reviewed his firm's microfilm of the Hunt file—from which the Nov. 14 memo is missing—and could find no other document "that caused the reaction that I recall having when I read this (Nov. 14) document."

Mittler further testified that Bittman was holding the document in his hand, not in an envelope on Nov. 14. Bittman testified that he received the memo in an envelope and left it that way until April of May 1973 when he read it for the first time while reviewing Hunt's file.

Bittman steadfastly maintained in conversations with the special prosecutor's office, despite the memo, that he had no reason to believe that Hunt had kept silent about the Watergate affair in return for money or other benefits.

Bittman testified Monday that he "rejected" the memo as being false and never informed the special prosecutor about it because he believed it to be covered by attorney-client privilege of confidentiality.

In his testimony Monday, Bittman also insisted that he came forward to the special prosecutor with the memo voluntarily and not under pressure from his former law firm,

Hogan & Hartson.

Edward A. McDermott, a member of Hogan & Hartson's executive committee, testified however, that Bittman's lawyer, Herbert J. Miller, Jr., was informed last Nov. 1 by a firm representative that the firm was concerned about the memo and was prepared to approach the special prosecutor about it that same day.

McDermott said that when Merle Thorpe Jr., another member of the firm's executive committee, talked to Bittman about the memo on Nov. 1, Bittman "said he didn't know where it was and that Austin Mittler knew as much about it as he did."

Sometime after the first call to Miller, Bittman called the special prosecutor's office to arrange a meeting for the following day. It was during his Nov. 2 meeting with associate special prosecutor James S. Neal that Bittman turned over a photocopy of the memo.

Although the hearing on the memo was called to determine what happened to the original, the special prosecutor's office was unable to produce testimony answering that question.