

# BITTMAN DISPUTED OVER HUNT MEMO

Former Partner Tells Court  
That His Associate Saw  
the Document in 1972

By DAVID E. ROSENBAUM

Special to The New York Times

WASHINGTON, Nov. 20—A former law partner and close associate of William O. Bittman contradicted Mr. Bittman today and testified that the lawyer did, in fact, see a controversial memorandum from their former client, E. Howard Hunt Jr., shortly after it was written.

Mr. Bittman said yesterday and again today that he did not look at the memorandum until five or six months after he received it.

The memorandum was written on Nov. 14, 1972, by Mr. Hunt, one of seven men who pleaded guilty or were convicted in the Watergate break-in trial. The memo reminded aides to President Nixon of their alleged "commitments" of money and pardons in return for the defendants' silence about the roles of higher-ups in the break-in.

Until he testified last month at the Watergate cover-up trial, Mr. Hunt had maintained in all his sworn testimony that the payments he received from the Nixon campaign organization were not intended to buy his silence.

### Notation in Diary

Austin Mittler, who worked closely with Mr. Bittman in representing Mr. Hunt, testified at a special hearing this afternoon that his personal diary contained this notation under the date Nov. 14, 1972: "Confer with W.O.B. re Hunt position—review of memorandum."

Mr. Mittler said that he recalled Mr. Bittman's showing him the document in their law offices on Nov. 14 and that, "while not reading it from beginning to end, there were some things in the document that I found disturbing."

Jill Wine Volner, an assistant special prosecutor, asked Mr. Mittler whether the disturbing part was "the word 'clemency.'"

"It could well have been the word 'clemency,'" Mr. Mittler replied.

Mr. Mittler's testimony, together with that of other witnesses today, could prove to be incriminating to Mr. Bittman, who is an unindicted co-conspirator in the cover-up case.

### Standard Warning

The prosecutors have said they are reviewing the possibility of Mr. Bittman's culpability, and, before Mr. Bittman testified yesterday, he was given the standard warning presented to criminal suspects of his right to remain silent.

The existence of a copy of the Hunt memorandum was made public 15 days ago when James F. Neal, the chief prosecutor in the cover-up trial, told the court that Mr. Bittman had informed him of it the previous weekend.

The week before, Mr. Hunt testified that he had given Mr. Bittman the memorandum in November, 1972, and that Mr. Bittman had reported back to him that it had been brought to the attention of Kenneth W. Parkinson, one of the defendants in the cover-up case.

Today's hearing, out of the presence of the jury, was called by Judge John J. Sirica of the United States District Court to determine what happened to the original memorandum and whether a copy could be introduced into evidence in the trial.

### Copy to Be Allowed

There is conflicting testimony about what happened to the original memorandum, but it clearly is not available. Judge Sirica indicated that he would allow the copy to be introduced.

According to Mr. Bittman, he made a copy of the memorandum in August, 1973, as he was preparing to withdraw as Mr. Hunt's attorney. He said he had placed the original in a file of personal correspondence Mr. Hunt had given him for safe-keeping, and kept the copy.

The personal file, he said, was turned over to Henry Goldman, a lawyer, who, in turn, was to deliver it to William A. Snyder Jr., Mr. Hunt's new attorney.

There was only a "remote possibility," Mr. Bittman said, that he had not placed the original document in that file.

Mr. Goldman testified that he had given the file, unopened, to Mr. Snyder. Mr. Snyder said that he had examined the file when he received it last year and that it contained only personal letters between Mr. Hunt and a woman.

### Letters Burned

After Mr. Hunt's release from prison earlier this year, Mr. Snyder said, he gave the file of personal correspondence to Mr. Hunt. Later, Mr. Snyder said, Mr. Hunt told him that he and a woman had "tossed it into a fireplace at a restaurant."

Asked why they had done that, Mr. Snyder said, "Because the affair had run its course, and they decided to do away with it."

It was not clear whether the woman who helped Mr. Hunt burn the letters was the same one who had written some of them.

Until he met with the prosecutors earlier this month, Mr. Bittman had repeatedly denied the existence of any evidence showing that there were strings attached to the payments to Mr. Hunt.

As Mr. Bittman prepared to leave the witness stand today, Mr. Neal, a close friend of Mr. Bittman since they were colleagues at the Justice Department in the nineteen-sixties, asked Judge Sirica whether he could ask a question as a matter of "personal privilege."

Granted the permission, Mr. Neal looked Mr. Bittman in the eyes and, in a sad tone of voice asked:

"Bill, as you sit there, do you say you did not tell me in the summer of 1973, 'Jim, I have no knowledge or information that Mr. Hunt contends he was maintaining silence in return for funds?'"

"In substance, I told you that," Mr. Bittman replied, adding that he had not divulged the memorandum because it "was given me in confidence."

### Ben-Veniste's Question

Then Richard Ben-Veniste, an assistant to Mr. Neal, asked Mr. Bittman, "Why did you not say that your attorney-client relationship prevented you from giving evidence?"

"There were things in that memorandum that I did not believe were true at the time I read it and to this day do not believe are true," Mr. Bittman replied.

Mr. Bittman's version was further contradicted by Edward A. McDermott, another former partner in the firm of Hogan and Hartson. Mr. McDermott said that he and his partners had made it clear to Mr. Bittman on Nov. 1 that they were going to tell the prosecutors about the memorandum if Mr. Bittman did not do so.

Mr. Bittman maintained that he went to the prosecutors on his own and not at the urging of his former partners. Mr. Bittman resigned from Hogan and Hartson and entered a new firm last summer.

\* 16 NOV 73