


Memorandum

TO : Richard Ben-Veniste
Attn: Jill Wine Volner

DATE: March 22, 1974

FROM : Philip A. Lacovara 

SUBJECT: L. Patrick Gray -- Possible Charges Stemming From
Destruction of Materials in Hunt's Safe and Denials
to Petersen

Forwarded for your information is a copy of Maureen Gevlin's memorandum on this subject. I agree with her conclusions which are the result of considerable research and discussion by us over the past several months that Gray can be prosecuted under 18 U.S.C. 2071 for willful destruction of government files; that Gray would be prosecutable under 18 U.S.C. §1503 for destruction of files he received from Dean if at the time he was aware that these files were required to be produced in response to Hunt's discovery motion; that neither 18 U.S.C. 1361 nor 2232 prohibiting destruction of government property and destruction of property to prevent seizure, respectively, furnishes a satisfactory basis for prosecution. Regarding Gray's false denials to Assistant Attorney General Petersen that he had obtained these documents, despite the absence of any clear precedent on this point, there would be a fair basis for charging Gray with a violation of the false statement statute, 18 U.S.C. 1001, on these facts.

If you have any questions about the basis for these conclusions, please contact me or Ms. Gevlin.

Attachment

cc: Mr. Ruth
Ms. Gevlin