

APPENDIX S

"Keep asking—again and again—why Bittman was never indicted" [See text p]


WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE


Memorandum

TO : Richard Ben-Veniste

DATE: February 6, 1974

FROM : Philip A. Lacovara 

SUBJECT: Possible Charges Against William Bittman

SCREENED
By 
Date 3/18/06

In my opinion the facts as you state them would provide a basis for including Bittman in the overall Watergate conspiracy to obstruct justice. Even though Bittman's role in the conspiracy is different from those on the White House end, that is not at all uncommon in a conspiracy case. The critical factor is that Bittman joined with the other co-conspirators to bring about a set of circumstances that constituted an improper interference with the administration of justice. In addition, the fact that his motive for attempting to achieve those results -- the payment of money to his client and to himself in return for his client's silence about the criminal involvement of others -- might have been different from the motive of the White House/FCREP co-conspirators and does not divorce him from the conspiracy. It is also relatively common for the various members of a criminal conspiracy to have different motives for agreeing to promote the same improper objective. That difference in motives does not separate the common plan or objective into separate conspiracies.