

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

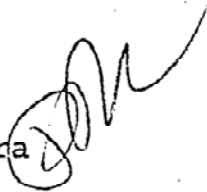
© Woodmont/Constitution

Nixon Issue

B
H

TO : Leon Jaworski

DATE: January 7, 1974

FROM : Philip A. Lacovara 

SUBJECT: Criminal Responsibility for Joining Ongoing Conspiracy

Some question has been raised about the criminal liability of a person who learns about a criminal conspiracy that is already in being and then gives some encouragement to it but may not personally perform any subsequent overt act.

As the attached memorandum from Peter Rient demonstrates, it is hornbook law that a person who attaches himself to a pre-existing conspiracy, has some stake in its continuation, and makes it his own, becomes fully liable as a co-conspirator. To the extent that the advice of the neophyte member of the conspiracy is subsequently followed, his culpability is even more clear.

Attachment

cc: Mr. Ruth
Mr. Ben-Veniste
Mr. Rient