Watergate

GRAY/CAULFIELD

KLEINDIENST/WATERGATE

1/11/74

LJ, HR, PAL, RB-V, JWV, PR, GTF, GG, CBF, PMK

Kleindienst

6/19/72 - Saturday 1 PM - Mardian, Mitchell, Magruder in Calif. Liddy in Washington. People on West Coast informed McCord was arrested. Mardian told Liddy that Mitchell ordered him to go to Burning Tree to see Kleindienst to get assurance to get 5 out of jail. Kleindienst told Liddy that Mitchell could talk to him directly. Kleindienst tells Petersen to treat 5 as everyone is treated. Even after Liddy arrested, etc, Kleindienst did not reveal vent to prosecutors, although he revealed it to Dean.

Kleindienst could not recall meeting w/ P after Watergate. No good recollection about meeting w/ Dean where Dean felt him out about treatment of Watergate defendants; although Kleindienst went right to Petersen.

Powell Moore told Kleindienst ~~that he had~~ what he had told GAO about Burning Tree (a sugared up version). Kleindienst asked him to get his GAO transcripts to refresh his recollection because he (Kleindienst) was going to have to testify. After Moore couldn't get transcripts, Kleindienst asked for a letter summarizing his recollection of GAO testimony.

Gray -

Will not be included in main indictment. Bad judgment, but no involvement in conspiracy. Best witness for gov't.

Man he would [illegible]

Caulfield

Originally important because of unwanted testimony against Dean about clemency offers to McCord. Decided to give Caulfield a ride, but learned he would plead & we agreed to recommend suspended sentence (he is very sick). Caulfield has accepted plea offer.

Equation has changed w/ Dean having pleaded. Problem is precedent of recommending suspended sentence. Option is giving him a free ride. LH points out that story is out on him - see no problem of going ahead on agreed basis.

Porter -

Offered a 1001 charge. Could only be convicted on basis of own unimmunized State testimony. Question is whether to recommend suspended sentence. LH is willing to abide by task force decision.

Watergate views core as Mitchell, Haldeman, Ehrlichman and Mardian. Questions, in addition to Bittman & Parkinson, are Colson, Kalmbach & Strachan. There will be memos on all. O'Brien will be witness.

Tapes before GS

LH will go ad outrel.

LH is dependent on

come to light. Encourage grand jurors to keep open mind.

PMK

WATERGATE – 1/31/74

JAWORSKI	BEN-VENISTE	DENNY
RUTH	RUENT	JASON
VORENBERG	VOLNER	FELDBAUM
LACOVARA	GOLDMAN	
KREINDLER	FRAMPTON	

Brief discussion about Kalmbach – decide to put off any decision until Saturday, to give milk people more of a chance to talk to him.

RB-V said Haynie told him parts of 2/28 tape, which SDNY has, are [redacted] relevant to Watergate. Decided RBV would ask for transcript.

CAULFIELD ► principally involved in conveying messages from Dean to McCord re clemency, money, rehabilitation, etc. Caulfield's testimony (to conspiracy) initially essential to untainted case against Dean. Offered plea (w/) recommendation of suspended sentence because of illness. Caulfield accepted offer. Two choices – plea now or after main indictment. LV sees problem in waiting (until right after indictment) – look peculiar – attitude of leniency. LV asked about waiting longer. RBV pointed out problem of arraignment – changing plea.

LV has strong feeling that it would be a mistake to do it now. He raised question whether he is healthy & whether we should back out & go to trial on him. RBV said we are bound, but could just not indict him (named as unindicted co-conspirator). LV asked whether latter is not better on balance. RB-V points at relatively major role. Thinks he should have to plead. Main witness on Kraft tap (question as to whether he was immunized.) Orig. Watergate immunity wiped out by lack of candor.

LV wants to let it drift; agrees to stand by agreement. RB-V said only time constraint is trial.

→ RB-V will tell lawyer deal is on (plead to info) but [redacted] deferred.

IW#:10110 DocId:59166529

A(D); (3) - Rule 6(e), Federal Rules ...

PARKINSON - (see memorandum) - 3 categories of guilt:

1) money & clemency

2) subornation of perjury

3) perjury

(1) Role in passing messages to CRP and White House (Haldeman cannot be justified as atty-client). Messages related to commitments & demands for money. Only weakness is proving that he knew money was passed, but he did pass accountings [redacted]. [redacted]. Dean says he told Parkinson commitments would be honored.

(2) Weakness in subornation is that Magruder is not a good witness, but corroborated by Porter, LaRue, Dean & O'Brien.

LV asked about purpose. Parkinson hired as counsel for civil suit against CRP. Mardian brought Parkinson to Magruder for facts - Magruder responds - "The real facts of the story." Magruder disclosed true story & Parkinson took detailed notes. Also got story from Sloan & Baldwin. Parkinson confronted Mitchell & Mitchell said it was a "lie" - "Magruder trying to save his own skin." Parkinson then helped Magruder prepare cover story for FBI, GJ & trial (about legitimate intelligence & surrogate program). Magruder interviewed in presence of FBI, where he laid out cover story in front of Parkinson. Parkinson then shredded notes of Magruder confession. Later Parkinson helped develop perjurious statements about planning meetings w/ Mitchell.

RB-V said crux of whole case is money. Parkinson caught up in money. Thus, he must be a defendant. Parkinson told O'Brien he doesn't like what's going on w/ money. Talks to Mardian about "blackmail".

LV asked about Parkinson's background. RB-V said it couldn't be cleaner. Pillar of bar & community, etc.

Prosecutors Neal & Wilson came to conclusion he was not telling truth.

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Recently submitted handwritten statement to office saying that we are barking up wrong tree. Said he will not change story. Parkinson's lawyer wants to talk to LV. Agreed that he would get hearing.

JWV said in response to LV question that he has nothing to offer as a witness & would be counter-productive.

Parkinson represented Stans [redacted] at first in SDNY. Ragsdill believes that Parkinson has lied to them.

Watergate recommends including Parkinson as a defendant.
Have decided tentatively, though, not to charge him w/ perjury.
Only charge principals w/ perjury (Haldeman, Ehrlichman, Mitchell, Strachan)

BITTMAN -

LV said he knows case well - read all memos closely. He is troubled. O'Brien reported "seamy things" threat to Bittman. Hund met w/ Shapiro on 3/16/73 & made threats. Shapiro told Colson not to communicate w/ anyone. After meeting, [redacted] Shapiro called Bittman to tell him nothing could be done for Hund. O'Brien then met w/ Hund & reported to Bittman. LV says it looks like Bittman helped in Hund getting money - sees pattern of self interest. LV troubled because of Bittman's record. JWV said his criminal experience means he should have known what was going on. LV thinks from his experience that it may not have dawned on Bittman that he was doing something criminal.

Watergate thinks facts warrant prosecution in main indictment. HL has offered Jack Miller a hearing.

JWV said if Bittman is a defendant take nothing away from Parkinson case.

LV wants a close look at whether Bittman can be convicted - does not want to indict otherwise.

convicted

NW#:10110 DocId:59166529

of tapes despite what Spec Pros said in court. RB-K said we have to be careful not to take position that tapes back up everything Dean [redacted] said about 3/13.

STRACHAN - Magruder says he kept Strachan informed - corroborated only by prior statement to Dean. Strachan also destroyed documents in Haldeman's files (Dean & Hegby). Strachan also delivered money to La Rue under suspicious circumstances. Lied extensively to GJ in 4/73 about transactions w/ La Rue. Then perjured himself before Senate about destruction of documents - what he said was attached in transmittal to Haldeman & then destroyed, was not in existence at time (Sedan Chair II). Belief that what was destroyed was Liddy budgets - disclose prior knowledge of bugging.
Also, after Haldeman & Mitchell [redacted] met on 4/4 (for which Strachan prepared talking paper), they met with President.

Appears Strachan has concocted story to cover-up for Haldeman - persisted in his story. When confronted, denied it & then flunked lie detector test (Told Magruder before hand that he knew how to beat test.)

Recommend indictment in conspiracy count & charged with perjury before Senate.

Legal problems - testified under use immunity. 8th Circuit decision in McDaniel raises problem if there is any exposure. Probably will not attack perjury in any event. PAL says 8th Circuit goes further than any other. PAL sees no problems which do not warrant going ahead. Can expect pre-trial hearing.

Difficulty is argument that immunized testimony may bear on [redacted] decision on culpability.

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Pointed out that Strachan is a lawyer & would be only staff member indicted.

COLSON

LT said he is familiar w/ facts — talked to Colson & Shapiro at length. LT does not see strong case, but sees possibility of plea because of concern about indictment.

RB-V believes he probably can be convicted, but agrees it is not a strong case. Not in meetings w/ other conspirators or directly involved from June to November. Until Hunt starts to lean on him, is not really involved. But, wrote exculpatory memo on 6/20 about dealings w/ Hunt & call to Magruder. Before GJ testimony in 8/72, showed memo to Dean. Told GJ he knew nothing about Hunt's activities except for convention security. Day after testimony, asked Dean whether he should give memo to Silbert. Dean said "no" because it would impeach Magruder. Major part starts w/ Colson-Hunt phone call (in November) which was taped. Colson knew Dean was not conducting impartial investigation when he handed over tape of Hunt phone conversation.

Colson saw it about Hunt in late January — talks about poor Hunt going to jail while Mitchell was in N.Y. puffing on pipe.. But, Colson denies he talked about clemency. LT says this part may have been kindness because Colson had known Hunt for a long time..

RB-V thinks conspiracy could be won. PAL raised problem of Colson getting swept up in larger conspiracy.

HR said he would not indict Colson. Ehrlichman sees case as ephemeral.

Ehrlichman sees case as ephemeral.

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RB-V says at each crossroads (e.g., Hunt's safe, GJ, clemency) he goes along w/ conspiratorial objectives; although he is not an architect.

PMK stated 8/72 GS perjury seems more solid & better case than major conspiracy. Perjury alone and/or conspiracy recognized as possibilities.

HR points out that as one testifies as to promise to Hunt of clemency – Dean pitted against 4 other witnesses.

LV said if there are significant doubts, Fielding break-in may be way to proceed.

LV has seen [redacted] memos on Haldeman, Ehrlichman, Mitchell and Mardian & expressed no problem. Conspiracy + substantive counts against each. Perjury against 1st three.

PMK

Watergate indictment - 2/16/74
(Rent draft of 2/15/74)

JAWORSKI
LUTH
BEN-VENISTE
VOLNER
RIENT
FELDBAUM
KREINDLER

RBV explained "Introduction" - common in complex, important cases. Describes historic events and status of defendants.
RBV said order of defendants has been matter of discussion. LJ said name defendants "Mitchell, Haldeman & Ehrlichman" and then alphabetically.

Indictment does not now name any unindicted co-conspirators. [redacted] Reasons:
(1) leaves open to last minute those who are co-conspirators - until bell of particulars
(2) fairness to those not indicted, particularly lawyers

RBV said indictment can be returned any time after next week.
If we cannot get to trial before September, should encourage Sirica to go easy in scheduling motions so as not to make life difficult later on (particularly if Mitchell is on trial in SDNY.)

Task force warned against returning indictment before Ehrlichman plea and offer of proof, unless Ehrlichman is named in indictment. Sirica does not want indictment delayed. RB-V also mentioned effect of charging Ehrlichman w/ perjury

Count one now includes conspiracy to violate 1621 and 1623 - RB V raised problem of different standards & difficulty in instructing jury.

HR asked about current posture of CIA part of case -- Helms memorandum raises question about fraudulent use of CIA - backs up Haldeman & Ehrlichman story. Could be that memorandum is a fraud, but doubtful that this could be proved. RB-V said this aspect of case would raise smoke & it is not needed. Decided to be narrower & charge only attempt to get CIA to raise money for defendants. HR pointed out that defense may try to put on whole CIA question. RB V said this would be rash and we are better off counter-attacking.

Overt acts are very detailed so as to tell whole story.

HR asked about charging of destruction of documents as part of conspiracy - question about effect of showing that some didn't do it. RB-V said that conspirators are responsible for acts of co-

RB-V views hush money as guts of case + all money deliveries laid out in detail. Also, highlights of case put in. Story told chronologically.

LV said he only wants acts charged that can be proved. Altho only have to prove one, LV raised psychological problem.

LV asked whether Ulasewicz was immunized – RB-V said he was made offer similar to one made to O'Brien. Two problems of ramming him:
(1) he is very helpful witness
(2) taint problem

RB-V said [redacted] Caulfield will plead later.

RB-V said O'Brien, Caulfield & Ulasewicz testimony was necessary to convincing Dean we could make untainted case.

Count Two charges carrying out of conspiracy. Two charges in statutory [redacted] terms. Proof identical. Leave details to bill of particulars.

Unless there is need to keep GJ in existence, well join perjury counts. Strachan has good severance argument on State perjury.

Strachan – 1 Senate, 2 or 3 GJ perjuries
Ehrlichman – false statement to FBI

LH asked about GH perjury against Colson - RBV recommends against one possible count of perjury (see GTF memo). RBV said it relates to his role in conspiracy: important to show that Colson knows Dean is protecting WH and CRP. Perjury alone, however, is too vague. RBV pointed out that Colson comes [redacted] into picture when Hunt shows signs of breaking. LH believes conversation w/ Hunt in November may be enough. LH began analyzing conversation.

1) Colson starts to stroke Hunt - "loyal soldier"

[redacted]

RBV said Colson's argument is that transfer to Dean is not criminal unless he knows Dean will do something or that conspiracy exists.

Dean tells Liddy to tell Hunt to get out of country. Colson, after talking to Dean, countermands.

(2) In effect tells Hunt not to say anything when they talk about opportunity.

(3) Hunt tells Colson of commitments and failure to honor them.

(4) Colson tells Hunt not to tell him any more - the less he knows, more help he can be.

(5) Hunt says now that election is out of way, wants action.

LH said this perfectly clear from this that Colson knew what was going on.

RBV said this is enough to indict - 50 to 50 chance.

HR said not to indict because on bare fringes for another motive. Supp defense evidence will show. Trying to get it out in post-February period. Also, CIA attempts to smear Colson.

LH said Colson heard whole story & what would happen if funds began to flow — effort to keep Hunt quiet, as well as keep him out.

HR said this is a matter of prosecutive policy — do you charge everybody in — LH said you do not, but is troubled by first hand knowledge & effort to keep Hunt quiet.

SBV asked why he gave tape to Dean? PAL said it is not necessarily inconsistent w/ protecting himself from WH charges.

LH pointed out continuing motive of protecting President.

LH wants to call Colson. PAL said it would not be reversible error to call him even though he will claim 5th. Should be put on record that GJ wants him. LH also wants to push polygraph w/ FBI.

LH has no question about guilt, but does not want to indict unless he can be convicted.

SBV will start summing up on Tuesday — Colson & Bittman are scheduled, as well as Hunt & Mitchell.