

⑧ CR 1827-72 ⑧
US V GEORGE GORDON
LIDDY ET AL ⑧

THIS ENVELOPE CONTAINS ORIGINAL AND ONE COPY OF TRANSCRIPT OF PROCEEDINGS
OF JANUARY 9, 1973, HELD IN JUDGE SIRICA'S CHAMBERS RE DEFENDANT HUNT.

NOTES OF NICHOLAS SOKAL, COURT REPORTER, ARE ALSO ENCLOSED.

(PAGES 1-8 INCL)

ORDERED SEALED UNTIL
FURTHER ORDER OF
COURT (Judge Sirica)

Captains
Court Room Clerk

James P Capitanis James P Capitanis

3 7/27/73
Sullivan - NJ

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

vs)

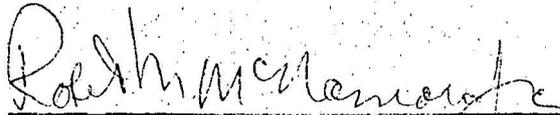
GEORGE GORDON LIDDY ET AL)

CRIMINAL CASE NO. 1827-72

R E C E I P T

Receipt is acknowledged, this date, of the following
named documents from James P. Capitanio, Deputy Clerk, in the
above captioned case:

- (1) Copy of transcript of proceedings held in chambers
on Tuesday, January 9, 1973, pages 1-8, inclusive.
- (2) Copy of transcript of proceedings held in conference
room in rear of Ceremonial Court Room on January 11,
1973 (pages 133-155-B, inclusive.
- (3) Copy of transcript of proceedings of Friday, January 12,
1973, pages 302-318, inclusive.
- (4) Copy of transcript of proceedings of Friday,
January 12, 1973, pages 319-352, inclusive.
- (5) Copy of transcript of proceedings of Friday,
January 26, 1973, held in chambers of Chief
Judge Sirica, pages 1676-1689 (1690).
- (6) Copy of transcript of proceedings of Wednesday,
January 24, 1973, held in chambers of Chief
Judge Sirica, pages 1490-1500-G, incl.
- (6) Copy of transcript of proceedings held after
recess, Tuesday, January 27, 1973, pages 1466-1467,
incl.


(Signature)

Robert M McNamara, Jr

(Name Typed)

Research Assistant to Chief Counsel
of the Senate Select Committee on
Presidential Campaign Activities
Room 1418 (New Senate Office Building,
Washington, DC (Phone 225-1453)

April 24, 1973

FILED
APR 25 1973

JAMES F. DAVEY, Cler

(2)

United States District Court
For The District of Columbia

UNITED STATES OF AMERICA)

vs)

GEORGE GORDON LIDDY, et al)

Criminal No. 1827-72

FILED
JAN 10 1973
JAMES F. DAVEY, Clerk

TRANSCRIPT OF PROCEEDINGS

IN CHAMBERS

(Ordered Sealed by the Court)

Tuesday, January 9, 1973

COPY FOR: (Copy No. 1 of 2)

PAGES: 1-8

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
) Criminal No. 1827-72
)
GEORGE GORDON LIDDY, et al)

Tuesday, January 9, 1973

The following proceedings in the above-entitled
cause were heard in chambers by THE HON. CHIEF JUDGE JOHN J.
SIRICA, at 10:30 a.m.

APPEARANCES:

On Behalf of the United States:

EARL SILBERT, Ass't. U.S. Attorney
SEYMOUR GLANZER, Ass't. U.S. Attorney
DONALD CAMPBELL, Ass't. U.S. Attorney

On Behalf of Defendant Hunt:

WILLIAM O. BITTMAN, Esq.
AUSTIN S. MITTLER, Esq.

Also Present:

Todd Christoferson, Law Clerk to the Chief Judge

P R O C E E D I N G S

THE COURT: You want to make a statement?

MR. BITTMAN: Yes, Your Honor, extemporaneously.

Right after the death of Mr. Hunt's wife, Your Honor, Mr. Mittler and I had no communication with Mr. Hunt concerning this case. There were other personal reasons --revising his will and things of that nature we had to discuss, but we did not discuss this case. So it was only as of approximately a week and a half ago that we again began discussing the government's case and the case against him. And it was at that time stated by Mr. Hunt that he did not want to go to trial, that he wished to plead guilty.

So I would say approximately a week and a half ago Mr. Mittler and I on behalf of Mr. Hunt began a series of conferences with the government indicating to them that it was Mr. Hunt's desire to plead guilty. We had many discussions and they lasted many hours. During the course of those discussions we discussed the possibility of Mr. Hunt pleading guilty to three counts as opposed to the six counts in which he is charged.

The government has not agreed to any lesser included charge but has indicated to me that they would go along with --if that is the correct expression-- with a plea of guilty to three counts --1, 2 and 8. These are all felony counts and the maximum consecutive of those three counts would subject Mr. Hunt

to a \$20,000 fine and/or 25 years in prison. Mr. Hunt is aware of the ramifications of the plea and the fact he has a right to have a trial by jury.

As I analyze this, this kind of plea covers the entire indictment and covers all of the charges, all of the charges that could be brought against Mr. Hunt because it covers conspiracy with others, to bug, to commit burglary; covers the burglary itself and it covers bugging itself --one conspiracy count and two substantive counts. The other counts are nothing but accumulative.

I believe my own analysis of the indictment, the government would have to elect sooner or later anyway, I don't believe Your Honor could sentence Mr. Hunt to the burglary count, for example, it is one burglary. I think it would be a fair disposition in view of the fact that it covers all of the evidence that the government seeks to put in during the course of this trial.

And as Your Honor knows from your many years of experience on the bench there is a lot of psychology in dealing with clients, pleading guilty to less than the totality of the charges is something that seems palatable to them and I just think in the interest of justice, interest of this case, that it would be in my client's best interest, hopefully the government's best interest, and the Court's to accept that kind of pleading.

There will be no statement by me or Mr. Hunt at the time that it is involuntary in any way and he has acknowledged the fact that he was engaged in wrong-doing; he is aware of the fact the government has a formidable case against him and certainly it is his desire not to go to trial and subject himself and his family to the massive evidence which the government has.

And I might also add that during the course of discussions with the government I have made a statement to the government on behalf of my client which is something that they requested which was part of the discussions, and that is to Mr. Hunt's personal knowledge that there are no so-called higher-ups involved in the so-called Watergate episode.

I have made that statement to the government on behalf of my client after communicating with my client, and he has made that statement to me, and based on the facts that I know them, and discussions with him, I believe that statement to be truthful and accurate.

THE COURT: Mr. Silbert?

MR. SILBERT: I would like to add this to what Mr. Bittman said, if Your Honor please?

There are also some other conditions -- to use that word -- that were attached with the discussions that we had with Mr. Bittman and Mr. Mittler. One is that Mr. Hunt understood at the time that the government in agreeing, if it agreed to

accept the plea to the three counts as Mr. Bittman has spelled out before Your Honor, was not making any commitment at all as to the position it would take on sentencing before Your Honor, and that also we would, and had announced to him our intention to allocute at time of sentencing.

Secondly, it was understood also at the time of these negotiations that no plea would be accepted by us without making a detailed statement of the facts that we had intended to prove before Your Honor with respect to the charges in the indictment.

And thirdly, it was understood and we had so advised Mr. Bittman and Mr. Mittler that at the conclusion of the proceedings involving Mr. Hunt, that is, when Your Honor had imposed whatever sentence you deemed appropriate, that we intended following the authority of the Kelly case in the Fifth Circuit Court of Appeals to bring him before the grand jury to explore with him what knowledge, if any, he had with respect to the involvement of others in this case.

But also it is true, Mr. Bittman's representation that he made to you that he had previously conveyed to us and he indicated also to us that Mr. Hunt would be willing to state that to you under oath as the presiding judge, or in the grand jury under oath, that is, that Mr. Hunt had no knowledge of -- no personal knowledge of any higher-ups involved in the so-called Watergate case.

THE COURT: The only statement I have to make is at this time I am going to deny his request without prejudice. That is all I have to say -- period.

MR. BITTMAN: I gather from that short statement, Your Honor, either Mr. Hunt pleads guilty to the entire indictment or he and his counsel have to go through a very protracted trial and at the close of the government's case enter, or attempt to enter a plea of guilty to three counts?

THE COURT: Well, I am not going to say anything more. I might say that if he does plead guilty to the entire indictment, to every count, I have the question of commitment to consider after conviction so I am not going to decide that now. I don't want to go into it.

MR. BITTMAN: I appreciate that, Your Honor.

I also discussed this with Mr. Silbert, I believe, and I made my position clear to him that I believe there is some strong compelling reasons why Mr. Hunt should not be committed at the time of entering a plea of guilty until such time as Your Honor feels appropriate after the pre-sentence report and disposition of the case, and I gather Your Honor does not want me to make that statement at this time?

THE COURT: All I am going to decide now is I denied the request at this time without prejudice.

MR. BITTMAN: Your Honor, in view of that, because my

client's desire not to go through with the trial, his tremendous family responsibility, as Your Honor knows he has [REDACTED]

I make that statement because this record is going to be sealed.

[REDACTED]

and I believe that Mr. Hunt will then wish to plead guilty to the entire indictment. I don't think it is completely palatable, but I believe under the circumstances I will recommend that he do this and he will.

THE COURT: All right. I said I am denying the request at this time without prejudice. He can renew it after the opening statement is made or after the evidence is offered by the government. The record is clear.

MR. BITTMAN: So you don't think we are playing games, good God, I don't intend to do that with anybody, at the conclusion of the government's opening statement I will then ask Your Honor to excuse the jury obviously so there will be no possible prejudice to anyone --

THE COURT: It will never be made in presence of the jury.

MR. BITTMAN: I will ask leave of the Court to withdraw Mr. Hunt's plea of not guilty and enter a plea of guilty to Counts 1, 2 and 8 and as I indicated --

THE COURT: --I will make my ruling at that time, and the record is clear on that.

MR. BITTMAN: Thank you for hearing us this morning,
Your Honor.

MR. SILBERT: Are you still going on the bench at 11:00?

THE COURT: Yes. All right.

(10:45 a.m.)

CERTIFICATE

It is certified the foregoing is the official
transcript of proceedings indicated.

Nicholas Sokal

NICHOLAS SOKAL

Official Court Reporter