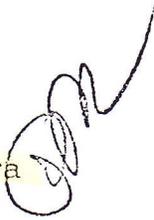


*Memorandum*

TO : Henry S. Ruth

DATE: April 30, 1974

FROM : Philip A. Lacovara SUBJECT: Gordon Liddy's Continuing Refusal to Testify

This morning I returned a telephone call to Peter Maroulis, counsel to G. Gordon Liddy. Maroulis told me that he wanted to speak to me because he was "infuriated" about something the President stated last night in a television address. Mr. Maroulis referred me to the following passage from the President's statement:

On April 15, when I heard that one of the obstacles to breaking the case was Gordon Liddy's refusal to talk, I telephoned Mr. Petersen and directed that he should make clear not only to Mr. Liddy but to everyone that, and I quote directly from the tape, "as far as the President is concerned, everybody in this case is to talk and to tell the truth." I told him that if necessary I would personally meet with Mr. Liddy's lawyer to assure him that I wanted Liddy to talk and to tell the truth.

Mr. Maroulis said that on April 15, 1973, he had in fact received a telephone call from Assistant Attorney General Petersen. The full text of the message that was relayed by Mr. Petersen, according to Maroulis, as Maroulis wrote it down after asking that it be repeated, is the following:

A report has been received by the government that Gordon Liddy is not cooperating because of a misguided sense of loyalty to the President. The President, when informed of this, asked me to contact his counsel and tell Mr. Liddy that the President expected all parties in this to cooperate, subject only to the reservation that no one wants to create the impression that Gordon Liddy or anyone else is being pressured by the President of the United States.

Maroulis said he immediately flew to Washington and reviewed this message with his client as well as with Silbert, et al. (the prosecutors were apparently aware that Petersen had made the call a day or two earlier).

What is troubling Maroulis is that the President has left the impression that he sent a message to Liddy that he would be willing to meet personally with Liddy's counsel to assure him that Liddy was under no obligation to the President to remain silent any longer but that Liddy and his lawyer ignored that invitation. Maroulis stated that he believes events would have taken a different course, and explicitly stated that he believes Liddy would have begun talking, if Petersen had passed along the second half of the message the President allegedly instructed him to transmit. He said that, as a defense lawyer, he was skeptical of the assertion by Petersen, the chief prosecutor, that the President wanted Liddy to cooperate. If he had been able to verify this desire directly, as the President stated he had offered to do, Maroulis feels that Liddy would have been relieved of the obligation he felt to remain silent.

Maroulis said that he will be coming to Washington in the next day or so to file his papers in the Fielding break-in case and will also discuss with Liddy the effect of the President's public statement last night and will ascertain whether this affects Liddy's willingness to testify.

Maroulis stated that his client might not have felt constrained to suffer a lengthy jail sentence and several contempt citations if the message allegedly given to Petersen had been transmitted in full. He asked that we check with Petersen to see if he was supposed to give an invitation to meet with the President as well. I told him that I would try to check on this issue and provide any information that we can gather.

In light of the President's public statement and its possible significance for Liddy's testimony, I recommend that you contact Henry Petersen and discuss this Presidential conversation with him specifically. It seems to me that something as unusual as a Presidential offer to meet with a defense lawyer is not something Petersen could easily have forgotten if in fact the President extended such an invitation.

cc: Mr. Jaworski  
Mr. Merrill  
Mr. Ben-Veniste  
Mr. Kreindler  
Mr. Geller