

8-03401

- 31 -

suggesting to them that GERALD BENNETT WOLFE should be encouraged to plead guilty to the charges pending against him in the District of Columbia so that he could not be questioned by the grand jury.

(33) On or about April 20, 1977, JANE KEMBER wrote a letter to HENNING HELDT informing him of the strategy to be implemented by the Guardian's Office in Los Angeles, including: WOLFE giving the United States Attorney's Office in the District of Columbia the already prepared cover story, waiving indictment, and pleading guilty, followed by Meisner surrendering, giving the same cover story and also pleading guilty.

(34) On or about April 22, 1977, MARY SUE HUBBARD wrote a letter to RICHARD WEIGAND directing him to complete the cover story to be used by Michael J. Meisner, including a false story about his having been a fugitive in Canada during the time he was in Los Angeles.

(35) On or about April 27, 1977, the Information Bureau's Southeast US Secretary wrote a letter to RICHARD WEIGAND informing him that Michael J. Meisner wanted to surrender to the authorities in the District of Columbia.

(36) Sometime after on or about April 27, 1977, HENNING HELDT wrote a letter to MARY SUE HUBBARD informing her that Michael J. Meisner was threatening to return to the District of Columbia on his own and that plans were underway to "restrain" him and "prevent him from leaving."

(37) On or about April 29, 1977, HENNING HELDT wrote a letter to RICHARD WEIGAND and to the Deputy Guardian for Legal Affairs US, directing them to restrain Michael J. Meisner, if necessary, to prevent him from leaving his hiding place, and to complete Meisner's cover story -- to "overcome

- 32 -

all barriers and do it."

(38) On or about April 29, 1977, HENNING HELDT wrote a letter to MARY SUE HUBBARD informing her that a more isolated hiding place would be found for Michael J. Meisner, that more bodyguards would be assigned to restrain him, and that RICHARD WEIGAND and GREG WILLARDSON had been directed to "get control over" Meisner.

(39) Between on or about April 28, 1977, and on or about May 3, 1977, RICHARD WEIGAND, GREGORY WILLARDSON, the Deputy Guardian for Legal Affairs US, and the Information Bureau's Southeast US Secretary met at various times and in various combinations with Michael J. Meisner, ordered him not to surrender himself to the FBI in the District of Columbia, and warned him that he would be placed under guard.

(40) On or about May 2, 1977, HENNING HELDT approved a list of expenses submitted to him by CINDY RAYMOND for guarding Michael J. Meisner.

(41) On or about May 3, 1977, RICHARD WEIGAND wrote to MO BUDLONG, informing him that Michael J. Meisner had threatened to return to the District of Columbia, that he had been physically removed to another hiding place, and that a "crew" had been "organized" to handle the worst eventualities by force if necessary ("i.e. gag, handcuff, etc.").

(42) On or about June 10, 1977, within the District of Columbia, GERALD BENNETT WOLFE, testified falsely before a Grand Jury of the United States District Court investigating the illegal entries into the United States Courthouse. WOLFE then reported to the Guardian's Office - DC where he was fully debriefed regarding his testimony before the grand jury. A copy of that debriefing was sent to the defendants

- 33 -

and unindicted co-conspirators in Los Angeles and elsewhere.

(43) On or about June 15, 1977, Michael J. Meisner, pursuant to the direction of MARY SUE HUBBARD and HENNING HELDT, read a summary of the grand jury testimony of GERALD BENNETT WOLFE in order to conform his own cover story to that of WOLFE.

(44) From on or about June 20, 1977 to on or about June 22, 1977, MARY SUE HUBBARD, MO BUDLONG, HENNING HELDT, GREGORY WILLARDSON and the Deputy Guardian for Legal Affairs - US, in various correspondence were informed of the disappearance of Michael J. Meisner and discussed various efforts to locate him.

(45) On or about July 3, 1977, MARY SUE HUBBARD wrote a letter to HENNING HELDT directing him to "utilize resources to figure out a way to defuse him [Meisner] should he turn traitor." HELDT thereupon directed GREGORY WILLARDSON to carry out HUBBARD's order.

(Violation of 18 U.S. Code §371)

COUNT TWENTY-FOUR

1. Between on or about May 21, 1976 and on or about June 11, 1976, within the District of Columbia, GERALD BENNETT WOLFE and Michael J. Meisner, on three occasions, entered the United States Courthouse for the purpose of burglarizing and stealing documents from the office of an Assistant United States Attorney. On each occasion, Meisner, and on one occasion WOLFE, gained entry fraudulently, through the use of forged IRS credentials bearing false names.

2. On or about June 11, 1976, during the third of these entries, GERALD BENNETT WOLFE and Michael J. Meisner were confronted and

8-00401

- 34 -

questioned by agents of the Federal Bureau of Investigation (FBI).

3. Beginning on or about June 11, 1976 and continuing up to and including on or about July 8, 1977, as a result of the confrontation referred to in the preceding paragraph, the FBI and the Office of the United States Attorney for the District of Columbia were conducting an investigation which was continued in conjunction with a Grand Jury of the United States District Court for the District of Columbia, which was duly empaneled and sworn on or about October 13, 1976, to determine whether violations of statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individuals who had committed such violations.

4. Beginning on or about December 15, 1976, and continuing until at least on or about June 19, 1977, within the District of Columbia and elsewhere, the defendants MARY SUE HUBBARD, JANE KEMBER, MO BUDLONG, HENNING HELDT, DUKE SNIDER, RICHARD WEIGAND, GREGORY WILLARDSON, MITCHELL HERMANN, a/k/a MIKE COOPER, CINDY RAYMOND, and GERALD BENNETT WOLFE, willfully and knowingly, would and did corruptly influence, obstruct and impede and would and did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with the investigation referred to in paragraph three (3) of this Count, by preparing and assisting in the giving of false and misleading statements and information, for the purpose of concealing and causing to be concealed the identities of the persons who were responsible for, participated in, and had knowledge of (a) the activities which were the subject of the said investigation and judicial proceedings, and (b) other illegal and improper activities.

(Violation of 18 U.S. Code §1503)

- 35 -

COUNT TWENTY-FIVE

1. On or about June 10, 1977, within the District of Columbia, the defendant GERALD BENNETT WOLFE, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before a Grand Jury of the United States, duly empaneled and sworn in the United States District Court for the District of Columbia on October 13, 1976, did knowingly make a false material declaration as hereinafter set forth.

2. At the time and place alleged in paragraph one (1) of this Count, the Grand Jury was conducting an investigation to determine whether violations of statutes of the United States and the District of Columbia -- particularly Title 18, United States Code, Sections 499, falsely making an official pass; 641, theft of government property; 1017, wrongfully using the government seal, and Title 22, District of Columbia Code, Section 1801, burglary -- had been committed in the District of Columbia, and to identify the individuals, besides the defendant, who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said Grand Jury investigation to determine the reasons for the presence on May 21, 28 and June 11, 1976 of the defendant GERALD BENNETT WOLFE and one John M. Foster in the United States Courthouse for the District of Columbia, and the reasons for WOLFE's use on May 28, 1976 of an identification card bearing the last name of Hoake and his use on June 11, 1976 of falsely made IRS credentials bearing the name of Thomas J. Blake.

- 36 -

4. It was further material to the said Grand Jury investigation to determine whether while in the said United States Courthouse the defendant GERALD BENNETT WOLFE and the individual using the name John M. Foster had entered the office of any Assistant United States Attorney for the District of Columbia, and whether they had unlawfully taken any documents or files located therein.

5. It was further material to the said Grand Jury investigation to determine whether the defendant GERALD BENNETT WOLFE and the individual using the name John M. Foster had photocopied any document which was the property of the Office of the United States Attorney for the District of Columbia on the photocopying machines belonging to said office.

6. It was further material to the said Grand Jury investigation to determine whether the defendant GERALD BENNETT WOLFE knew the true identity of the individual who had entered the United States Courthouse in the District of Columbia using the name John M. Foster.

7. It was further material to the said Grand Jury investigation to determine how the defendant GERALD BENNETT WOLFE and the individual using the name of John M. Foster had obtained the counterfeit and forged IRS credentials which they had used to enter the United States Courthouse on the dates mentioned in paragraph three (3) of this Count.

8. It was further material to the said Grand Jury investigation to determine whether any other individual in the District

of Columbia or elsewhere had conspired with, or aided and abetted, the defendant GERALD BENNETT WOLFE in obtaining his counterfeit and forged IRS credentials, and in entering the United States Courthouse for the District of Columbia.

9. At the time and place aforesaid, GERALD BENNETT WOLFE, appearing as a witness under oath before said Grand Jury, would and did knowingly make a declaration with respect to the aforesaid material matter as follows:

Q. When did you first come to know that the D.C. Bar Association had a library on the third floor of this building?

A. I don't remember exactly the date.

Q. Why did you want to come to this library?

A. To study.

Q. To study what?

A. To learn how to do legal research.

Q. Why did you want to learn to do legal research?

A. Well, I was planning on going back to Minneapolis to complete or further my studies in music and I thought that in addition to clerical skills that I had that if I could learn to do some legal research that I could perhaps get a better paying, more interesting job to help pay for my school.

Q. Where would you find that job?

A. In Minneapolis, I presume.

Q. Who would hire you in Minneapolis?

A. I don't know. A law firm, perhaps.

Q. Did you embark on this program to learn how to do legal research with the idea in mind of presenting yourself to a Minneapolis law firm and saying, "I can do legal research for you"?

A. Yeah, I think so.

Q. You don't know?

A. That's what I had in mind.

*

*

*

8-00401

- 38 -

Q. How did you propose to learn to do legal research in the D.C. Bar library?

A. Someone was going to teach me.

Q. Who was that someone?

A. John Foster.

10. The underscored portions of the declarations of GERALD BENNETT WOLFE, quoted in paragraph nine (9) of this Count, were material to the said investigation and, as he then and there well knew, were false.

(Violation of 18 U.S. Code §1623)

COUNT TWENTY-SIX

1. The Grand Jury realleges and herein incorporates by reference paragraphs one (1) through eight (8) of Count Twenty-Five (25) of this indictment.

2. At the time and place aforesaid, GERALD BENNETT WOLFE, appearing as a witness under oath before said Grand Jury, would and did knowingly make a declaration with respect to the aforesaid material matter as follows:

Q. Now, the first night that you were here in the courthouse, did you xerox anything?

A. I don't think so but I don't recall exactly, you know, which night.

Q. How long were you here on that first occasion?

A. I don't remember how long exactly.

Q. Approximately.

A. I don't know. Guessing, I'd say maybe an hour.

* * *

Q. Did you go anywhere else but the library that night?

78-00401

- 39 -

A. I don't know. I do know that one or more of the times here I did go to the men's room. Now, whether it was the first night or not that I couldn't recall exactly.

Q. Did you have to leave the library to go to the men's room?

A. Yes.

* * *

Q. Apart from going to the men's room, did you go anywhere else in the courthouse that night?

A. I don't think so.

Q. From the first to the third floor library and back onto the first floor and out?

A. Right.

3. The underscored portions of the declarations of GERALD BENNETT WOLFE, quoted in paragraph two (2) of this Count, was material to the said investigation and, as he then and there well knew, was false.

(Violation of 18 U.S. Code §1623)

COUNT TWENTY-SEVEN

1. The Grand Jury realleges and herein incorporates by reference paragraphs one (1) through eight (8) of Count Twenty-Five (25) of this indictment.

2. At the time and place aforesaid, GERALD BENNETT WOLFE, appearing as a witness under oath before said Grand Jury, would and did knowingly make a declaration with respect to the aforesaid material matter as follows:

Q. Do you recall ever doing any xeroxing on the third floor of this building on any of the three occasions?

A. Yes.

* * *

78-00401

- 40 -

Q. What did you xerox?

A. Case histories.

Q. Case histories? What's a case history?

A. Well, a case out of a law book which contains cases.

Q. Did you bring the books from the library to the xerox machines?

A. Myself, yes, some of them.

Q. Did Mr. Foster carry books?

A. Yes.

Q. How many did you carry?

A. Approximately five.

Q. And how many did he carry?

A. Approximately the same.

Q. Were they the same type of books?

A. You mean as mine? Yes, I think so.

* * *

Q. And how long did you use the xerox machines?

A. Approximately fifteen minutes to a half hour.

Q. No longer than half an hour?

A. I don't think so.

Q. And what did you do when you left?

A. Brought the books back to the library and just left.

3. The underscored portions of the declarations of GERALD BENNETT WOLFE quoted in paragraph two (2) of this Count, were material to the said investigation and, as he then and there well knew, were false.

(Violation of 18 U.S. Code §1623)

COUNT TWENTY-EIGHT

1. The Grand Jury realleges and herein incorporates by reference paragraphs one (1) through eight (8) of Count Twenty-Five (25) of this indictment.

2. At the time and place aforesaid, GERALD BENNETT WOLFE, appearing as a witness under oath before said Grand Jury, would and did knowingly make a declaration with respect to the aforesaid material matter as follows:

MR. STARK: Let me inform you, however, that the grand jury and the U.S. Attorney's Office have a joint responsibility to investigate criminality that occurs within the District of Columbia.

Now, you may have made your plea of guilty in this case and been sentenced today but Mr. Foster has not. Now, we are investigating Mr. Foster's involvement in this and there may come a time when Mr. Foster is sitting either in that chair or in the defendant's chair before a petit jury.

And your version of what happened on these three occasions will aid this grand jury in its determination of what if anything to charge Mr. Foster with. Do you understand that?

* * *

Q. Now, did you know Mr. Foster by any other name?

A. No, I didn't.

Q. You only knew him by John Foster?

A. Right.

3. The underscored portions of the declarations of GERALD BENNETT WOLFE, quoted in paragraph two (2) of this Count, were material

- 42 -

to the said investigation and, as he then and there well knew,
were false.

(Violation of 18 U.S. Code §1623)

Earl J. Albertson
ATTORNEY OF THE UNITED STATES IN
AND FOR THE DISTRICT OF COLUMBIA

A TRUE BILL:

Cid Albert R. Wood Sr.
Foreperson