

# Special Prosecutor Sought in Bugging

By Bob Woodward  
and Carl Bernstein  
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An activist law professor at the George Washington University Law Center asked yesterday that a special prosecutor be appointed to investigate the Watergate bugging and break-in.

John Banzhaf III, the professor who is best known for winning a campaign to obtain free television time for anti-smoking commercials, filed the motion seeking a special prosecutor in U.S. District Court. He criticized both major political parties while doing so.

Banzhaf charged that the Democrats, who have publicly asked for a special prosecutor, have failed to follow through and file a formal request with the court. They "would rather have the issue than the special prosecutor," he said.

He went on to say that the Justice Department could not possibly conduct an impartial investigation because the attorney general is a presidential appointee.

The Watergate case could "lead to jail for close friends and associates, harm the political party for which he has worked, and possibly cost the President his re-election and the attorney general his position," Banzhaf charged.

"No man, however honest and trustworthy and without mortal weaknesses, could possibly conduct an investigation into these circumstances without a conflict of interest," he said.

"The court cannot stand idly by and be a party to a charade of the accused investigating itself," Banzhaf said in his 28-page motion.

Banzhaf, 29, filed yesterday's motion with Peter H. Meyers, a local attorney, on the grounds that they can represent the public interest. "All parties now before the court are partisan, and none can even claim to represent the public," the motion said.

Meanwhile, Chief U.S. District Court Judge John J. Sirica filed an order with the court yesterday appointing himself as judge in the criminal case stemming from the indictments returned Friday.

Under court rules, the trial should be expected to begin before Nov. 15. It is unlikely however, that the trial will begin before the presidential election on Nov. 7.

Sirica, 68, was appointed a federal judge by President Eisenhower in 1957. Prior to that he was a member of the Washington law firm of Hogan & Hartson.

The seven men indicted in the case, including former White House consultant E. Howard Hunt Jr. and G. Gordon Liddy, the former finance



By Linda Wheeler—The Washington Post

**Prof. John Banzhaf III tells press conference he has filed an application to appoint a special prosecutor.**

counsel of President Nixon's re-election committee, are expected to be arraigned (formally charged) in court today.

In a related matter, Sen. Hugh Scott (R-Pa.), the Senate minority leader, said the Watergate case is not of concern to the average voter but of interest to "just Sen. McGovern and the media."

At a press conference, Scott told reporters: "Nobody is paying any attention to what you're writing."

"Sen. McGovern will be questioning this even on Nov. 7. He's talking into the wind and he knows it," Scott said.

On Sunday, McGovern charged that the Justice Department investigation that led to Friday's indictment is a "whitewash."

A spokesman for the Justice Department denied this, noting that the FBI devoted more than 14,000 man hours to the case.