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Bugging Suspect In Jail Extra Night

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The Chief Judge of Superior Court refused last night to release one of the men charged with breaking into Democratic National Headquarters because the man, apparently through no fault of his own, was not present at a hearing on the subject.

The defendant, Virgilio R. Gonzales, a Miami locksmith, has been held in lieu of \$40,000 since he and four other men were arrested inside the Democratic headquarters June 17. He finally was released today.

Late yesterday Judge Harold H. Greene postponed freeing Gonzales until 10 a.m. today because Gonzales was not in court for a brief hearing and because it was after normal court hours.

One reason Gonzales was not present was because Greene had failed to order the jail to deliver Gonzales to the court for the 4 p.m. hearing which actually did not get underway until 5 p.m.

Defense Attorney Henry B. Rothblatt of New York called Greene's decision "one of the most incredible bits of absurdity I've ever witnessed."

He charged his client was "being penalized because the machinery of the court isn't functioning properly" and he said Congress should investigate the way the Bail Reform Act is administered in the District.

Greene said he would not free Gonzales until Gonzales appeared in court and, under oath before the judge, swore he understood the penalty for failing to comply with his bond conditions (five years in jail and a \$50,000 fine.)

Greene said, "I don't know why this has to be accomplished this evening" and later added that just because the case had "certain notoriety" he was not going to treat Gonzales differently than other defendants.

However, most of the 37 Superior Court judges allow defendants posting bond to swear they understand the penalties when they appear before the court's financial clerk, who is usually available until 10 p.m.

Two other defendants in the case who are out on bond, James W. McCord, the former security chief for the GOP, and Eugenio R. Martinez, were released without taking the oath before a judge. All five defendants are charged with second degree burglary.

Defense attorney Joseph A. Rafferty said he asked Greene around noon to have Gonzales

appear in court but an employe of the judge said the judge apparently thought Rafferty would arrange the request. However, under new Superior Court rules only judges can order defendants to court from jail.

Gonzales' release has been delayed because another Superior Court judge, James A. Belsón, wanted to be satisfied as to the source of Gonzales' bond money.

Yesterday Rothblatt and Rafferty said they had a check for \$4,000 from Gonzales' brother, Luis, an employe of Flying Tigers Airlines, who lives in Addison, Ill.

(Under a section of the Bail Reform Act, Gonzales only has to post 10 percent of his leased forthwith.)

Greene said he was satisfied the funds were "untainted" but then refused to release Gonzales. One reason Greene said, was he wanted to hear Gonzales in person because he said originally Gonzales used an alias and lied to the bail agency about where he worked.

Actually, Gonzales had earlier signed a D.C. Bail Agency form saying he understood the conditions of bond and the penalties. But he did not sign a new form when his bond conditions were later changed.

Rothblatt said he understood the Bail Reform Act means "when a man meets the bond conditions, he should be released forthwith."

Gonzales will be required to live at his Miami home, keep his current job, stay away from Miami Beach and report daily to the Pre-Trial Release Program in Dade County, Fla.

Attorney Joseph A. Rafferty, who represents all of the defendants except McCord, said today he has offered to plead his clients guilty to unlawful entry, a misdemeanor punishable by a maximum of one year in jail. The other defendants are Martinez, Frank Sturgis and Bernard L. Barker, all of Miami.

Rafferty said he has had no indications that the U.S. attorney's office would accept the plea and added, "My friend (U.S. Attorney) Harold Titus just laughs at me."

If convicted of second-degree burglary, which all the defendants are charged with, they could receive a maximum of 15 years in jail. The minimum sentence is two years.

Rafferty described his clients as "a bunch of puppets" but he refused to say who he felt was pulling the strings.