

Post 4/30/72

'Bug' Suspect Seeks Bailey as Lawyer

James W. McCord Jr., one of five men charged with burglarizing National Democratic Headquarters here, will fly to Boston on Saturday to ask criminal lawyer F. Lee Bailey to represent him in the case.

McCord, a security expert who worked for the Republicans, is free on \$30,000 bond. He is the only one of the five defendants arrested at the Watergate on June 17 who is not in jail.

He told Superior Court Judge James Bellson yesterday that Bailey, a trial lawyer with a national reputation, had agreed to meet with him to discuss the case. Bailey was asked last week by Democratic chairman Larry O'Brien to represent the Democrats in their civil suit against the Republicans, but apparently turned down the offer.

In another development yesterday, U.S. District Court Judge Charles R. Richey denied a request by the Democratic National Committee that it be allowed immediately to question the five arrested defendant. The Democrats have filed a \$1 million civil suit charging that the civil rights of Democratic voters were violated.

Richey ruled that the Democrats and their chairman, Lawrence F. O'Brien, "have failed to make the required

showing that some unusual circumstances or conditions exist" for the speedy questioning. He also said that such questioning might jeopardize the Fifth Amendment rights of the arrested defendants.

The judge's order does not rule out the possibility that the Democrats will be allowed to question the five defendants at a later date.

Bellson refused yesterday for a third time to release one defendant, Virgilio R. Gonzales, because of what he said was inadequate information on the source of \$4,000 bail money. The judge ruled that another man charged in the case, Eugenio Martinez, could be released on \$40,000 bond as soon as information concerning various bank accounts in Miami could be verified.

Two other defendants, Bernard L. Barker and Frank Sturgis, remain in D.C. jail awaiting an appeal on Bellson's decision to deny them release until the source of their \$40,000 and \$50,000 surety bonds could be identified.

Barker's wife, who was in court yesterday, brought the \$8,000 needed to release Gonzales and Martinez, their lawyer, Joseph A. Rafferty Jr., said. He said she had borrowed it from acquaintances in Miami, where all the men except McCord are residents.