

Gag Put On All in Bug Case

Talk Ban Could Apply to Press And McGovern

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The federal judge presiding over the criminal trial of seven men charged in the June 17 break-in at Democratic national headquarters in the Watergate issued a broad order yesterday prohibiting anyone connected with the case from making public statements about it.

The order, Judge John J. Sirica acknowledged, is broad enough that it possibly could apply to Democratic presidential candidate Sen. George McGovern and other political figures.

Sirica's order prohibits all law enforcement agencies, the defendants, witnesses, potential witnesses "including complaining witnesses and alleged victims, their attorneys and all persons acting for or with them in connection with this case" from making statements to anyone, "including the news media," outside of court.

Sirica, who was ill yesterday and signed the order at home, was asked in a telephone interview by a reporter if the order covered McGovern, who has discussed the Watergate case in speeches. Sirica replied:

"That's a good question. I tried to make it (the order) as broad as I could. I hadn't thought about it. I frankly hadn't given that a thought. I'll have to deal with that at some time I suppose, but I'd rather not answer that question now."

Sirica said that the order could conceivably result in a situation where "we get into the campaign and free speech and that business." But he said that was "something we have to meet at the proper time. I have no comment. It may be raised, it may never be raised."

Sirica went on to say that someone could raise a question about newspapers and other media discussing the case. "I think I better wait and answer that question if it's ever raised," Sirica said. "I don't think frankly I should go outside what I raised in that order. I think it's pretty broad. I don't know what you think about it."

The order came a day after the House Banking and Currency Committee voted 20 to 15 against holding public hearings on the Watergate bugging and alleged irregularities in President Nixon's re-election campaign financing.

It is considered highly unlikely that the criminal trial will begin before the Nov. 7 presidential election. U.S. District Court Judge Charles R. Richey, presiding over a \$3.2 million civil damage suit brought by the Democratic Party over the Watergate af-

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fair, announced two weeks ago that it will be "impossible" to begin that case until after the election. All depositions for the civil case have been stayed by Richey until the completion of the criminal trial.

McGovern issued a statement yesterday evening saying that he respects the rights of the seven men charged with the break-in, but adding, "I will not allow myself to be muzzled or intimidated by any politically motivated directive from Richard Nixon."

McGovern said that he had consulted with Democratic lawyers and concluded that Sirica's order does not inhibit "the right of candidates for public office to discuss the burglary and bugging of Dem-

ocratic Party headquarters. I intend to pursue and exercise to the full extent of the Constitution our First Amendment rights to conduct a political dialogue to inform the public about this act of political espionage as well as all other evidence of corruption in high places in the Nixon administration."

McGovern said, "It is a sad time for America when White House pressure can turn off a congressional investigation and when the Attorney General of the United States and his agents can enter into a political agreement with the seven men charged with the burglary and bugging of Democratic headquarters—an agreement that no one should be permitted to speak to the American people about these acts; who authorized and paid for them, and who received the information stolen from our headquarters."

Sirica's order was issued under a federal court rule that allows a judge in a "widely publicized or sensational civil or criminal case" to issue a special order at the request of either the defense or prosecution or on his own motion.

The order may cover "such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury . . . and any other matters which the court may deem appropriate for inclusion in such an order."

The motion requesting the order was filed by William O. Bittman, the lawyer for E. Howard Hunt Jr. Hunt, one of the seven defendants, is a former White House aide, as is G. Gordon Liddy, also a defendant in the case.

A notation on the bottom of Sirica's order indicates that Earl J. Silbert, principal assistant United States attorney, had no objection to the order.

Sirica, who holds his position as chief judge by virtue of seniority, was appointed to the U.S. District Court in 1957 by the late President Dwight Eisenhower. Sirica assigned himself the criminal trial of the seven defendants after Silbert, acting under another federal rule, requested that Sirica

appoint "the best available judge" to preside in the case.

In a related matter, Rep. Wright Patman (D-Tex.), chairman of the House Banking and Currency Committee, asked the General Accounting Office yesterday to open an "immediate investigation" into Republican campaign financial matters relating to the Watergate incident.

In a letter to Elmer B. Staats, head of the GAO—the investigative arm of Congress—Patman asked that he receive a "preliminary report in writing" by Oct. 26. Patman's request followed the rejection of an investigation by his own committee.

In yesterday's letter to the GAO, Patman asked that it investigate essentially the same matters that he had unsuccessfully proposed that his Committee deal with in public hearings.

Those matters include the \$114,000 of President Nixon's campaign funds traced to the bank account of one of the Watergate suspects; the use of a Mexican bank to transfer the funds, and the unusual speed in granting a federal bank charter to a large Nixon campaign donor.