

Judge Sirica Refuses to Withdraw In Trial of 7 Charged in Bugging

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By Lawrence Meyer
Washington Post Staff Writer

Chief U.S. District Judge John J. Sirica refused yesterday a defense request that he withdraw as the presiding judge in the trial of the seven men charged in the Watergate bugging incident.

In denying the request, which he treated as a formal motion, Sirica also publicly justified for the first time the assignment of himself to the case. "I have the time to give it the attention it needs," Sirica said. The other District judges have calendars with 200 cases or more, he said. "I have no such calendar. That is the primary reason I appointed myself in this case."

Criminal and civil cases normally are assigned on a random basis. In exceptional instances, however, the chief judge can specially assign a case at the request of one of the lawyers or on his own motion.

In the criminal trial of the seven men accused of bugging the Democratic National Committee headquarters in the Watergate, Sirica assigned himself after the prosecution requested that the case be given to the "best available judge." Such a procedure is

permitted under the rules of the federal judiciary.

Sirica revealed in court today that a "young lawyer" from the firm of Hogan and Hartson had been at the court inquiring how many times cases had been specially assigned. William O. Bittman, attorney for defendant E. Howard Hunt Jr., is with the same firm.

Sirica cited a dozen cases that he specially assigned over the past year, including two to himself.

Bittman declined to explain after yesterday's hearing why he had attempted to find out how many cases had been specially assigned. Bittman said he should not discuss the case in view of Sirica's order last week that persons involved with the defense and the prosecution should not discuss the case out of court.

Yesterday's hearing was Sirica's first appearance in court since he issued a broad order last Wednesday barring out-of-court statements. The order was so broad that Sirica was unable to say whether it barred Democratic presidential nominee George McGovern from discussing the Watergate incident.

After House Banking and Currency Committee Chairman Wright Patman wrote Sir-

ica that the order could hamper congressional investigation of the incident and Democratic Party lawyer Joseph A. Califano Jr. wrote Sirica that McGovern would ignore the order, Sirica issued a clarification Friday easing the order.

The request from Bittman for Sirica to disqualify himself was made in a letter to the judge dated Oct. 4. In asking Sirica to withdraw, Bittman cited rulings the judge had made during the grand jury proceedings that Bittman said "bear directly on my client."

Bittman made clear in his letter "that we do not contend there is a sufficient basis for a formal motion for disqualification." Bittman said his request was supported by the lawyers for the other six defendants.

After briefly polling the other defense lawyers and establishing that they agreed with Bittman's request, Sirica said he would treat the letter as a formal motion. "I hereby deny this motion," Sirica said. "I am not going to disqualify myself."

Sirica also told the lawyers that he would accept no further letters or other communications from them concerning the case. "If anyone has anything further to say, let him say it in open court," Sirica said.