

NYT13

BUG (EARLY STORY)

(NOT FOR USE IN BOSTON RECORD, QUINCY, DETROIT AND SAN FRANCISCO)

BY JOY ASCHENBACH

(C) 1973 WASHINGTON STAR-NEWS

WASHINGTON, JAN. 15--FOUR MORE DEFENDANTS IN THE WATERGATE BUGGING AND BREAK-IN TRIAL PLEADED GUILTY TODAY, INSISTING THAT THEY HAD NOT BEEN THREATENED OR PROMISED ANYTHING IN EXCHANGE FOR THEIR PLEAS.

BEFORE ACCEPTING THEIR DECISION TO CHANGE THEIR PLEAS FROM INNOCENT TO GUILTY, CHIEF U.S. DISTRICT COURT JUDGE JOHN J. SIRICA EXTENSIVELY QUESTIONED EACH OF THE MEN TO MAKE CERTAIN THEY KNEW WHAT THEY WERE DOING AND THAT THEY HAD NOT BEEN PRESSURED INTO CHANGING THEIR PLEAS.

THE FOUR, ALL FROM MIAMI, FLA., WERE ARRESTED INSIDE THE DEMOCRATIC NATIONAL HEADQUARTERS AT THE WATERGATE JUNE 17. THEY BRING TO FIVE THE NUMBER OF PERSONS WHO HAVE PLEADED GUILTY DURING THE TRIAL.

THE FOUR--BERNARD L. BARKER, FRANK A. STURGIS, EUGENIO R. MARTINEZ AND VIRGILIO R. GONZALES--FOLLOWED THE LEAD OF FORMER WHITE HOUSE CONSULTANT E. HOWARD HUNT JR., WHO PLEADED GUILTY THURSDAY.

THERE HAD BEEN REPORTS IN THE NEWSPAPERS THAT THE FOUR WERE PROMISED PAYMENT OF UP TO \$1,000 A MONTH FOR EVERY MONTH THEY WERE IN JAIL TO CARE FOR THEIR FAMILIES IF THEY PLEADED GUILTY. THE MONEY WAS TO HAVE COME FROM "UNNAMED, UNIDENTIFIED FRIENDS IN MIAMI."

"IF I AM CONVINCED THAT YOU'RE NOT DOING THIS WITHOUT COERCION AND THREATS, I DON'T HAVE TO ACCEPT THE PLEA," THE JUDGE WARNED THE FOUR MEN AS THEY LINED UP IN FRONT OF HIM.

THEIR PLEAS LEFT ONLY TWO DEFENDANTS IN THE CASE: G. GORDON LIDDY, A FORMER WHITE HOUSE CONSULTANT, AND JAMES W. MCCORD JR., A FORMER INTELLIGENCE AGENT WHO HAS BEEN IDENTIFIED AS WORKING FOR THE COMMITTEE TO RE-ELECT THE PRESIDENT. HE LEFT THE COMMITTEE AFTER THE WATERGATE STORY BROKE.

THE JUDGE TOLD THE FOUR MEN: "GIVE ME FRANK ANSWERS. IF THERE WERE ANY PEOPLE INVOLVED IN THIS THAT SHOULDN'T BE, I WANT TO KNOW IT AND THE GRAND JURY WANTS TO KNOW IT."

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THE FOUR MEN, THEIR HANDS CLASPED, APPEARED NERVOUS AND RELUCTANT WHEN THEY ANSWERED THE JUDGE'S QUESTIONS, BUT ALL DENIED THAT THEY HAD BEEN THREATENED INTO PLEADING.

IN ANSWER TO THE JUDGE'S QUESTIONS ABOUT WHETHER ANYONE WAS PAYING THEM OR HAD PROMISED THAT THEIR FAMILIES WOULD BE TAKEN CARE OF, EACH SHOOK HIS HEAD AND SAID, "NO."

THE JUDGE THEN BEGAN A LENGTHY INTERROGATION ABOUT THEIR MOTIVES FOR PARTICIPATING IN THE BREAK-IN OF THE DEMOCRATIC HEADQUARTERS AT THE WATERGATE.

HE ASKED WHETHER THEY HAD EVER WORKED FOR THE C.I.A. EACH RESPONDED SAYING, "NOT THAT I KNOW OF."

THE FOUR MEN, ALL OF WHOM PLAYED A ROLE IN THE 1961 BAY OF PIGS INVASION OF CUBA, TOLD THE JUDGE THEY HAD AGREED TO THE WATERGATE CAPER BECAUSE THEY BELIEVED IT WOULD HELP FIGHT COMMUNISM AND "WIN FREEDOM FOR CUBA."

STURGIS, MARTINEZ AND GONZALES SAID THEY WERE NOT PAID FOR THEIR WORK IN THE BREAK-IN, BUT WERE PROVIDED EXPENSE MONEY BY BARKER.

BARKER, QUESTIONED ABOUT A \$25,000 CHECK THAT WAS LINKED TO THE COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT AND PASSED THROUGH HIS BANK ACCOUNT, TOLD THE JUDGE THAT HE DID NOT KNOW EXACTLY WHERE THE MONEY CAME FROM.

"FOR A DEFINITE FACT, I CAN'T SAY WHO SENT THAT MONEY," BARKER SAID. "I ASSUMED IT WAS IN CONNECTION AND RELATED TO THE OPERATION THAT I WAS EXECUTING WITH MY THREE MIAMI MEN... THE OPERATION KNOWN AS THE WATERGATE."

THE JUDGE THEN ASKED BARKER WHO FIRST CONTACTED HIM ABOUT PARTICIPATING IN THE WATERGATE OPERATION.

WHEN BARKER RESPONDED, "I CAN'T RECALL," THE JUDGE WAS ANNOYED AND STATED, "I TOLD YOU I WANT THE TRUTH."

BARKER THEN ADMITTED THAT HUNT HAD FIRST APPROACHED HIM SOME TIME AFTER APRIL 17, 1972.

DURING THE QUESTIONING, SIRICA SAID AT ONE POINT HE DID NOT BELIEVE EVERYTHING THE MEN WERE SAYING, BUT THAT HE DID ACCEPT THEIR STATEMENT THAT THE GOVERNMENT CASE, AS OUTLINED BY ASSISTANT U.S. ATTORNEY EARL J. SILBERT LAST WEDNESDAY, WAS "SUBSTANTIALLY CORRECT."

H/VB23 6PM

NYT 31

BUG (STAR-NEWS)

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AND SAN FRANCISCO).

BY BARRY KALB

WASHINGTON, JAN. 12--AN ATTORNEY SAID TODAY HE WAS TOLD BY ASSISTANT U.S. ATTORNEY EARL J. SILBERT, THE PROSECUTOR IN THE WATERGATE TRIAL, THAT E. HOWARD HUNT JR., WHO PLEADED GUILTY IN THE CASE YESTERDAY, WAS ATTEMPTING TO BLACKMAIL A NATIONAL DEMOCRATIC PARTY OFFICIAL.

CHARLES MORGAN JR., AN AMERICAN CIVIL LIBERTIES UNION ATTORNEY WHO HAS FILED A MOTION RELATING TO THE WATERGATE CASE, TOLD THE U. S. COURT OF APPEALS TODAY THAT ON THE FRIDAY BEFORE CHRISTMAS, A PROSECUTOR TOLD HIM, "HUNT WAS TRYING TO BLACKMAIL OLIVER, AND I'M GOING TO PROVE IT."

ASKED BY AN APPELLATE JUDGE WHICH PROSECUTOR THIS WAS, MORGAN REPLIED, "IT WAS MR. SILBERT."

THE OLIVER REFERRED TO IS R. SPENCER OLIVER, EXECUTIVE DIRECTOR OF THE ASSOCIATION OF STATE DEMOCRATIC CHAIRMEN. IT WAS OLIVER'S TELEPHONE, AND PERHAPS ONE OTHER, THAT WAS BUGGED IN DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS LAST SPRING.

THE BUGGING CAME TO LIGHT WHEN FIVE MEN WHO ARE NOW ON TRIAL, WERE CAUGHT INSIDE THE DEMOCRATIC HEADQUARTERS EARLY ON THE MORNING OF JULY 17, 1972. THE FIVE ARE JAMES W. MCCORD JR., FRANK A. STURGIS, BERNARD L. BARKER, EUGENIO R. MARTINEZ AND VIRGILIO R. GONLALEZ.

TWO OTHER PERSONS WERE INDICTED BY A GRAND JURY LAST SEPT. 15, AND ONE OF THEM -- FORMER WHITE HOUSE CONSULTANT G. GORDON LIDDY, IS ON TRIAL ALONG WITH THE FIVE. THE SEVENTH DEFENDANT, HUNT, ALSO A FORMER WHITE HOUSE CONSULTANT, PLEADED GUILTY YESTERDAY AND WAS FREED ON \$100,000 BOND PENDING SENTENCING.

OLIVER, WHO IS SCHEDULED TO TESTIFY FOR THE GOVERNMENT IN THE BUGGING AND BREAK-IN TRIAL, IS ONE OF SEVERAL DEMOCRATIC PARTY OFFICIALS AND EMPLOYEES WHO FILED A MOTION LAST FRIDAY ASKING THAT THE CONTENT OF CONVERSATIONS HEARD DURING THE BUGGING BE KEPT SECRET.

MORGAN IS THE ATTORNEY IN THE MOTION.

THE MOTION WAS DENIED ON FRIDAY BY CHIEF U.S. DISTRICT COURT JUDGE JOHN J. SIRICA, WHO IS PRESIDING OVER THE WATERGATE TRIAL. TODAY, CHIEF U.S. APPEALS COURT JUDGE DAVID L. BAZELON, AND APPEALS COURT JUDGES J. SKELLY WRIGHT AND GEORGE E. MACKINNON, WERE HEARING MORGAN'S APPEAL OF SIRICA'S DECISION.

AS ON FRIDAY, MORGAN SAID TODAY THAT HE DID NOT BELIEVE THAT BLACKMAIL WAS A MOTIVE BEHIND THE BUGGING PLOT WITH WHICH THE SEVEN MEN ORIGINALLY WERE CHARGED.

"I FIND NO ATTEMPT AT BLACKMAIL," MORGAN TOLD THE JUDGES. "THE ONLY PURPOSE I CAN FIND FOR IT (ATTEMPTING TO SHOW BLACKMAIL WAS A MOTIVE) IS IT LOOKS HIGHLY GOOD. HUNT WENT OFF ON HIS OWN ADVENTURE, AND NOBODY ELSE KNEW ANYTHING ABOUT IT."

MORGAN APPEARED TO BE IMPLYING THAT SILBERT MIGHT BE TAKING THIS TACK AT THE TRIAL IN ORDER TO COUNTER SUSPICION THAT HUNT AND THE SIX MEN INDICTED WITH HIM WERE IN FACT WORKING FOR HIGH RANKING NIXON ADMINISTRATION OR NIXON CAMPAIGN OFFICIALS.

THERE HAVE BEEN ALLEGATIONS BY DEMOCRATIC PARTY POLITICIANS AND INDEPENDENT NEWS REPORTS THAT THE BUGGING PLOT COULD BE TRACED TO THE UPPER LEVELS OF THE NIXON ADMINISTRATION. THE ADMINISTRATION HAS FIRMLY DENIED THESE REPORTS.

IN HIS OPENING STATEMENT ON WEDNESDAY, SILBERT GAVENO INDICATION THAT HE FELT BLACKMAIL WAS IN ANY WAY INVOLVED IN THE CASE, ALTHOUGH A PROSECUTOR'S OPENING STATEMENT DOES NOT ALWAYS SPELL OUT EVERY DETAIL OF HIS FORTHCOMING CASE.

HUNT, AS HE PLEADED GUILTY TO SIX COUNTS IN THE INDICTMENT AND TOLD SIRICA THAT SILBERT'S DESCRIPTION OF THE CASE WAS "SUBSTANTIALLY" CORRECT, ALSO MADE NO MENTION OF BLACKMAIL.

ALFRED C. BALDWIN III, WHO WILL BE A KEY GOVERNMENT WITNESS, TOLD THE LOS ANGELES TIMES IN OCTOBER THAT HE MONITORED THE WIRETAP AS AN EMPLOYEE OF THE COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT, AND SPOKE OF HEARING SOME "EXPLICITLY INTIMATE" CONVERSATIONS BY "SEVERAL SECRETARIES AND OTHERS USING THE (OLIVER) PHONE."

MORGAN, IN DISAGREEING THAT BLACKMAIL WAS THE BUGGING MOTIVE, GAVE AN EXAMPLE IN COURT FRIDAY OF HOW MORGAN'S TELEPHONE, WHICH DID NOT GO THROUGH THE D.N.C. SWITCHBOARD, WAS USED FOR OTHER PURPOSES.

HE SAID HE HAD "BEEN ADVISED BY MY CLIENTS THAT A MAN NAMED HARRY FLEMMING SPOKE ON (OLIVER'S) TELEPHONE, THAT HARRY FLEMMING WAS A REPUBLICAN OFFICIAL IN THE REPUBLICAN PARTY, IN THE COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT, AND THAT HE HAD BEEN ADVISED BY OTHER RANKING REPUBLICANS THAT HIS JOB WAS ALTERED AFTER THESE WIRETAPS.

SILBERT IN HIS STATEMENT TO THE COURT DISPUTED MORGAN'S ACCOUNT.

SILBERT SAID HE TOLD MORGAN ONLY THAT DEFENDANT MCCORD HAD EXPRESSED AN INTEREST IN SENSITIVE CONVERSATIONS OF BOTH A PERSONAL AND POLITICAL NATURE, AND THAT HUNT HAD KNOWN ONE OF THE PEOPLE -- PRESUMABLY OLIVER -- WHOSE CONVERSATIONS HAD BEEN OVERHEARD.

SILBERT APPEARED TO BE SAYING THAT MORGAN HAD CONFUSED THESE STATEMENTS AND THOUGHT SILBERT HAD SAID HUNT WAS AFTER BLACKMAIL.

HOWEVER, IN HIS REBUTTAL ARGUMENT MORGAN SAID HE HAD CHECKED HIS RECOLLECTION WITH HIS ASSOCIATE IN THE COURTROOM, HOPE EASTMAN, WHO ALSO WAS PRESENT AT THE PRE-CHRISTMAS CONVERSATION WITH SILBERT, AND THEY BOTH AGREED THAT SILBERT'S STATEMENT WAS AS MORGAN ORIGINALLY HAD HEARD.

P/HK 414P