Debate on Taped Talks Stalls Watergate Trial

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The Watergate bugging trial was stalled yesterday as the U.S. Court of Appeals took up the question of whether a key government witness should be allowed to testify about the contents of conversations he said he monitored.

The hearing was sought by Charles Morgan Jr., a lawyer for five officials and employees of the Democratic Party who said their telephone conversations were monitored by Alfred E. Baldwin III, a key government witness in the Watergate trial.

Baldwin testified Wednesday that he was hired last May by James W. McCord Jr., then the security coordinator for the Committee for the Reelection of the President, and directed to monitor telephone conversations in the Democratic Party's Watergate headquarters from a hotel across the street.

McCord is on trial with G. Gordon Liddy, another former election committee official, on charges of conspiracy, burglary and illegal wiretapping and eavesdropping in connection with the June 17 break-in at the Democratic Party headquarters. Five other men, including former White House aide E. Howard Hunt, have pleaded guilty to the charges.

The Court of Appeals ruled last week that testimony about the contents of the conversations that Baldwin overheard could be admitted in the trial only after the trial judge, Chief U.S. District Judge John J. Sirica, held a closed hearing to determine what would be revealed.

If anyone objected to the disclosures and if Sirica overruled the objections, the Appellate Court ruled, the matter would be brought back to it for immediate review. That happened Wednesday, and the court heard arguments yesterday without reaching a decision.

Morgan, a lawyer for the American Civil Liberties Union, argued that if the prosecution were allowed to go into the contents of the conversations at all, defense lawyers would have a right to open the subject up for full discussion on cross-examination.

Morgan repeated his contention that the government does not need to go into the contents of the conversation to prove its case.

Prosecutor Earl J. Silbert said that if the defense were barred from cross-examining witnesses on the contents of the conversations, a "compelling argument" could be made by the defense on appeal that a defendant had been denied his constitutional rights.

Complaining about the "unprecedented interruption with orderly conduct of the trial" that the Appellate Court had caused, Silbert also repeated his contention that the Court of Appeals was in "too abstract" a position to decide what should or should not be admitted in evidence.

Lawyers for McCord and Liddy split on whether the contents of the conversations should be discussed. McCord's lawyer, Gerald Alch, sided with Morgan, arguing that it would not help his client to have the contents of the overheard conversations disclosed.

Liddy's lawyer, Peter Maroulis, said he wanted the contents introduced and asserted his right to cross-examine witnesses on the contents of conversations.

Since the sequestered jury began hearing arguments and testimony in the case on Jan. 10, it has sat for only three full days, hearing testimony for only a portion of two other days and no testimony on two days. The jurors are not given an explanation as to why they are not in court.