

# Jury Expected to Get Water

By Lawrence Meyer

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The prosecution in the Watergate bugging trial described G. Gordon Liddy yesterday as "the boss, the money man, the supervisor" of the alleged conspiracy to bug the Democratic Party, a man "not content to follow out what he was supposed to do" as a Nixon campaign aide.

Prodded by Chief U.S. District Judge John J. Sirica, the prosecution closed its case, the defense opened and closed its case in a matter of hours and final arguments were begun yesterday—the 15th day of the trial. The case is expected to go to the jury today.

Liddy's lawyer, Peter Maroulis, told the jury in a brief opening statement that Liddy had had a "shadow of guilt" cast on him from E. Howard Hunt Jr., a former White House aide who earlier pleaded guilty to the same charges of conspiracy, burglary, and illegal wiretapping and eavesdropping for which Liddy is on trial. "I intend to show this shadow is without substance," Maroulis said.

Liddy and his codefendant, James W. McCord Jr., both of whom worked for the Committee for the Re-election of the President before the June 17 break-in at the Democratic National Committee's Watergate headquarters, are the only two remaining defendants of the seven, including Hunt, originally indicted. Four other men besides Hunt, all from Miami, also have pleaded guilty.

As Maroulis was delivering his opening statement, asserting that both the prosecution and defense concede that Liddy's superiors at the committee "are on the safe side of the line of innocence," Sirica interrupted him.

"Wait a minute now," Sirica said. "Who made that concession? Mr. Silbert (the chief prosecutor)? You are arguing what you think the evidence is. This is for the jury to decide."

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they're not on trial. I will grant you that. They (the jurors) can draw their own conclusions from the evidence in the case."

Sirica has repeatedly expressed his determination throughout the trial to find out who else "if anyone," was involved in the alleged conspiracy. When the five persons who pleaded guilty entered their plea, Sirica attempted to question each of them to determine whether anyone other than the seven persons indicted was involved.

As a legal matter, however, the jury can do nothing more in the case than decide the guilt or innocence of Liddy and McCord. It is not the function of a jury in a criminal trial to formally disclose any findings beyond a verdict or to recommend further action at the conclusion of a trial.

Liddy and McCord each called three witnesses to testify yesterday concerning their character and reputation in the community. Each of the six witnesses testified that the

Maroulis had asserted that deputy campaign director Jeb Stuart Magruder, scheduling director Herbert L. Porter, administrative director Robert C. Odle Jr. and campaign treasurer Hugh W. Sloan Jr.—all re-election committee officials with whom Liddy had frequent contact—"are without involvement and of course had no criminal intent."

Sirica said that if the jurors "decide that Mr. Magruder or Mr. Odle or Mr. Sloan are involved in this alleged conspiracy, they can do it. However,

defendant about whom he or she was testifying had an excellent reputation.

In his closing argument, Assistant U.S. Attorney Earl J. Silbert, the main prosecutor in the trial emphasized Liddy's alleged role as the ringleader in the conspiracy. At no time since the trial began has the sequestered jury been informed that Hunt and four other defendants have pleaded guilty.

Silbert traced the testimony in the trial, recalling that 25-year-old Thomas Gregory said he was recruited by Hunt to





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**G. Gordon Liddy, defendant in Watergate bugging trial, returns from lunch with Susan Tousley, his lawyer's secretary.**



spy first on Sen. Edmund S. Muskie's campaign for the Democratic Presidential nomination and later on the campaign of Sen. George McGovern.

At one point, Silbert recalled, Gregory testified that Hunt picked him up in a car at night. A third man, wearing dark glasses, was in the back seat.

As he spoke through gritted teeth, Silbert turned and faced Liddy, who sat back in his chair, rocking slowly, a faint smile on his face. "Who was it?" Silbert said. "The defendant Liddy, waving to you as he waved so many times throughout this trial. A big joke." As Silbert spoke, Liddy gave a brief wave with his hand, a gesture he has made several times to respond to witnesses who identified him.

Later, Silbert recalled how Gregory had testified concerning a meeting in the Manger-Hamilton Hotel at 14th and K Streets NW, attended by all seven of the men later indicted. "And there you have the classic conspiracy," Silbert said. "All the conspirators together, plotting, planning, conspiring together."

Silbert also referred to testimony that Liddy, a lawyer, and Hunt had traveled together, using the aliases of George Leonard and Ed Warren. "Since when does a lawyer . . . have to run around the country—California, Miami, in his own city—using an alias if he's engaged in honest, valid, legitimate activity," Silbert said.

After police arrested McCord and the four men from Miami inside the Watergate on June 17 at 2:30 a.m., Silbert recalled that Hunt had contacted M. Douglas Caddy and that Caddy had testified he spoke with Liddy at 5 a.m. Caddy said Liddy retained him at that time as his own lawyer. "At 5 o'clock in the morning," Silbert said, "5

o'clock in the morning . . . Everyone has a right to retain a lawyer, but at 5 o'clock in the morning?"

A few days after the break-in, Silbert reminded the jury, that Hunt's employer, Robert F. Bennett, testified that Liddy called him. Liddy wanted to meet him, Bennett said, but not in his office, because he was afraid of surveillance.

Again gesturing toward Liddy, a former FBI agent and an ex-prosecutor in Dutchess County, N.Y., Silbert said, "He's playing cops and robbers, that's what he's doing. Only this time, he isn't the cop. He's the robber."

Liddy had been authorized by Magruder to carry out intelligence activities, Silbert said, but Liddy was "not content to follow out what he was supposed to do. He had to twist it, to divert it."

McCord and Liddy "were off on an enterprise of their

own," Silbert said. Liddy took \$114,000 in checks that had been turned over to Sloan as campaign contributions, converted the money to cash and then gave it back to Sloan, Silbert said. Liddy then took back \$24,000, Silbert said, part of the estimated \$232,000 he received to conduct activities for the committee. The \$24,000, Silbert said, is "the money we have traced into the possession . . . of the four persons from Miami."

Referring to McCord, also a former FBI agent and a former CIA employee, Silbert said, "Isn't it sad. Former FBI agent, isn't it sad, directing the interception of telephone conversations."

The "proof of guilt is so overwhelming," Silbert told the jury, "that the only verdict fair and consistent with the evidence and fair to both sides would be a verdict of guilty on all counts in which they are charged."