

Hunt Wants to Change Plea

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Attorneys for convicted Watergate co-conspirator E. Howard Hunt asked a federal judge yesterday to allow Hunt to withdraw his guilty plea and to dismiss charges against him because, among other reasons, Hunt thought that top White House officials had approved the Watergate burglary.

Hunt's lawyers told Judge John J. Sirica in a long written motion that Hunt helped plan and participated in the burglary because he had been led to believe the mission was approved by the White House "pursuant to the President's power to protect the national security."

Hunt's motion traced the

origin of the Watergate break-in back to the formation of the White House "plumbers" unit by President Nixon to investigate leaks of classified information, and the subsequent approval of "Gemstone," a large-scale intelligence and counter-intelligence program. Hunt specifically accused G. Gordon Liddy, who participated in both groups, of leading him to believe the Watergate break-in was a legitimate act.

"Defendant was led by Mr. Liddy to believe that program (Gemstone) was required by the Attorney General, John N. Mitchell, and that it was approved also by Messrs. Liddy; Jeb Stuart

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Magruder, a former White House aide; John W. Dean III, counsel to the President, and Charles W. Colson, special counsel to the President," the motion stated.

Liddy was convicted in the Watergate break-in and has refused to talk about its origins to any government body. Magruder has pleaded guilty to participating in a cover-up of the scope of the original break-in; Dean and Mitchell face possible indictment by a grand jury investigating that cover-up; and Colson is reportedly under investigation by a second Watergate-related grand jury here.

As another reason for changing his guilty plea, Hunt's lawyers cited alleged government misconduct "in the White House and down through the executive office of the President and the Department of Justice.

"The investigation and prosecution of this case were replete with deliberate obstruction of justice, destruction and withholding of evidence, perjury and subordination of perjury—all by responsible government officials," Hunt's attorneys said.

Hunt had pleaded guilty to charges of conspiracy, burglary and wiretapping at the beginning of the Watergate break-in trial last January. His motion yesterday to vacate his plea follows by three days a similar attempt by four Miamians who pleaded guilty in the same trial to change their pleas to innocent.

The four Miamians had claimed that their pleas were entered because they felt they were under pressure to do so from Hunt and "high officials of the executive branch of government." They had claimed they had participated in the Watergate break-in because they had been told it was a legiti-

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mate government intelligence operation.

In explaining Hunt's claim of two "valid defenses" to the charges against him in the break-in, his lawyers, headed by Sidney S. Sachs, said in yesterday's motion.

"The first is that his acts were lawful because they were performed pursuant to the President's power to protect the national security.

"The second, assuming (for the sake of argument) that the acts were not lawful, is that he was justified in believing they were lawful."

Hunt was "coerced into abandoning these defenses," the motion claimed, because the government "unconstitutionally deprived him of evidence to support them."

Testimony to back him up concerning much of that evidence, Hunt claims, has since been unearthed by subsequent grand jury investigations, testimony before the Senate Watergate committee and depositions in civil suits growing out of the Watergate scandal.

Yesterday's motion contained a summary of such evidence in the case to show "that the investigation and prosecution of this case were contaminated by misconduct by many responsible White House and law enforcement officials."

Hunt pointed specifically to the destruction of materials from his White House safe by acting FBI Director L. Patrick Gray III; failure of the White House to disclose that President Nixon had taped conversations in the White House, and instances of perjury by government officials before the original Watergate grand jury and in the trial.

Hunt's attorneys supported their claims that his announced defenses are valid by relying on the President's constitutional powers

to "preserve, protect and defend the Constitution of the United States.

"On this authority, the Watergate entry can be strongly defended as a valid exercise of the President's national security power . . .

"The Watergate entry, a part of the Gemstone program, was based on a report by (an undisclosed) government agency (transmitted to Hunt by Liddy) that foreign governments were supplying funds to the Democratic Party campaign," the motion stated.

Even if the acts were illegal, Hunt's lawyers claim their client "cannot be convicted for acts committed within the scope of his employment at the direction of high government officials."

The motion referred often to alleged government misconduct in the case as a reason all charges against Hunt should be dismissed.

"Surely in the history of this country there has been no case in which the government more outrageously has perverted the administration of justice and subverted the Constitution," according to the motion.

To illustrate what the attorneys claimed was "the depth to which the corruption penetrated the government," the motion named 11 top government officials allegedly involved:

In addition to Colson, Mitchell, Gray, Magruder and Dean, the motion listed H. R. Haldeman and John D. Ehrlichman, Maurice H. Stans, Egil Krogh Jr., David R. Young and Frederick L. LaRue.

Ironically, Hunt's attorneys cited the decision of Federal Judge Matthew Byrne in dismissing charges against Pentagon Papers defendant Daniel Ellsberg as a reason Hunt's charges should be dismissed. A break-in at Ellsberg's psychiatrist's office engineered by Hunt was one example of "government misconduct" in that case.