

Watergate Convicts Ask Jury Trial

By Timothy S. Robinson
Washington Post Staff Writer

Four Miami residents told a federal judge here yesterday they had entered guilty pleas in the original Watergate break-in because they felt they were under pressure to do so from coconspirator E. Howard Hunt and "high officials of the executive branch of government."

The men told the judge also that they had participated in the break-in only because they had been told it was a legitimate government intelligence operation and had entered their pleas of guilty out of concern for "national security."

The four men asked that the judge allow them to withdraw their guilty pleas and face a jury trial. They had entered the pleas to charges of conspiracy, burglary, illegal wiretapping and eavesdropping charges.

The guilty pleas "were false and involuntarily entered under the force and compulsion of a belief that the necessity to protect national security interests precluded them from asserting the defenses they had . . ." the request said.

"The pleas were premised on false assumptions which had been fostered on them by others, including codefendant E. Howard Hunt (who pleaded guilty before them) and ultimately, high officials in the executive branch of government," it continued.

The motion was filed by attorney Daniel E. Schultz on behalf of Watergate conspirators Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio R. Gonzales.

U. S. District Chief Judge
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John J. Sirica, who presided over the trial, has the option of holding a hearing before acting on the motion. A spokesman in his office said no decision on a hearing had been made yesterday afternoon.

Sirica reluctantly accepted the pleas of the four defendants at the start of the Watergate trial on Jan. 15 after trying to elicit new information from them about their motivation and payment for the break-in and bugging at Democratic National Committee headquarters.

Hunt has not sought to withdraw his plea.

The motion on behalf of the Miami residents said their participation in the break-in was "the product of a blind and ignorant loyalty fostered in these defendant's minds by deceptions practiced on them by others who purported to act under color of a higher law."

According to yesterday's motions, the defendants thought at the time of their sentencing that they "were engaged in a clandestine operation sponsored and approved by a legitimate federal government intelligence agency."

As a result, they had interpreted Hunt's plea of guilty as a directive to them to plead guilty as well, it continued.

Since it was later shown that the Watergate was "purely political in nature," the defendants were "the victims of a cruel fraud initially perpetrated on them to obtain their participation in the activities (and) perpetuated in order to safeguard against these defendants disclosing what little information they did know with respect to the engaged."

Their attorney said in the motion that there are at least two defenses that could be raised in his defendants' behalf if they are permitted a jury trial.

The first is that the four men were only following orders and therefore there is no "essential element of criminal intent."

Secondly, the defense of entrapment could be raised because the persons who hired the four men "apparently were not only officials in a political party but were also officials in the executive branch of government."

"Events since the time the guilty pleas were entered have demonstrated that the entire judicial proceedings in this matter were tainted by a massive fraud whose intended vic-

tims were the public, the prosecutors and this court," the motion said.

In addition, the four defendants were termed in the motion the ones who "have suffered the most" as a result of the break-in. "(They) have had their lives shattered due to an unconscionable deception that appealed to their patriotism," according to the motion.

The four Miami residents were provisionally sentenced by Judge Sirica this March to a maximum of 40 years in prison plus \$50,000 in fines each.

However, he stressed repeatedly that their final sentences could be lighter if they cooperated with prosecutors investigating the Watergate.

The four men have aided prosecutors, and were expected to be sentenced in about a month.