

w. post 1-5-73

Evidence Suppression Asked in Bug Case

By Lawrence Meyer
Washington Post Staff Writer

The American Civil Liberties Union, acting on behalf of several officials and employees of the Democratic Party, asked the presiding judge in the Watergate bugging trial yesterday to suppress any evidence or testimony that would reveal the substance of illegally wiretapped telephone conversations.

The motion, set for a hearing today, asks Chief U.S. District Judge John J. Sirica to order 18 officials from the Nixon administration, the White House and the Committee for the Re-Election of the President to testify secretly under oath whether they received any logs, memorandums or other communication describing conversations that may have been monitored in the Democratic National Committee's Watergate headquarters.

The list of officials includes Attorney General Richard Kleindienst, FBI Director L. Patrick Gray, Nixon campaign manager Clark MacGregor and John N. Mitchell, Mac-

Gregor's predecessor as campaign manager.

The motion makes no assertion that Kleindienst or Gray saw or heard any record of the allegedly bugged conversations except in their official capacities. Nor does the motion assert as a fact that any of the 18 actually have records or knowledge of the conversations. The list of witnesses coincides with a prospective list compiled during an unsuccessful attempt by House Banking and Currency Committee Chairman Wright Patman (D-Tex.) to hold hearings on the Watergate incident last October.

The motion was filed after reportedly unsuccessful attempts were made to receive assurances from the prosecution that neither the participants, nor the substance of allegedly bugged conversations would be revealed in testimony or submitted as evidence. The motion contends that disclosure "of all or any part of the contents" is unnecessary to establish the guilt of the seven persons charged in the case.

Sirica was asked to order the 18 persons not only to testify about whether they had received communications concerning the allegedly bugged conversations but to turn over for destruction any records they may have describing the conversations.

In addition, Sirica was asked to order the 18 persons to disclose the names of any other persons who may have received communications regarding the conversations and to order those persons to come forward with their records so that they also may be destroyed.

The motion asserts that any further disclosure "of any part of the contents or answers at trial or otherwise" would violate federal law and the "rights of privacy and political and private speech and association" guaranteed under the Bill of Rights.

The action was by Robert E. B. Allen, president of the Young Democrats; Severin M. Beliveau, president of the Association of State Democratic Chairmen; R. Spencer Oliver, executive director of the association; Robert S. Vance, vice president of the association; Ida Maxwell Wells, a secretary for the Democratic Party and "all other persons similarly situated."

These persons and others, the motion says, "regularly" used the allegedly tapped phones. Oliver and Miss Wells also have been called as prosecution witnesses. The motion asks Sirica to quash the subpoenas ordering them to testify as an additional safeguard against forcing disclosure of private matters.

In addition to Mitchell, Kleindienst, Gray and MacGregor, the motion asks that 11 full- or part-time employees of the reelection committee, be called: John Caulfield,

Murray M. Chotiner, Edward Failer, Frederick La Rue, Jeb Stuart Magruder, Robert C. Mardian, Robert Odle, Herbert L. Porter, Glenn Sedam, Hugh W. Sloan Jr. and Maurice Stans. In addition, White House aides Charles W. Colson, John W. Dean III and William E. Timmons are named in the motion.

Alfred C. Baldwin III, expected to be a key government witness, told the Los Angeles Times that he monitored telephone conversations in the Democratic Party headquarters from a motel across the street. Baldwin said he was acting under orders from James W. McCord Jr., at the time the reelection committee's security coordinator and one of the seven defendants in the Watergate trial.

Baldwin told The Times that on one occasion he left a sealed envelope addressed to a campaign official at the reelection committee's headquarters. Baldwin said he could not remember the name of the official to whom the envelope was addressed.

Baldwin is reported to have told others, however, that he could remember the names of three persons who received memos concerning the conversations: Sedam, Timmons and Odle. Sedam personally denied the report. Timmons issued a denial through the White House and Odle denied the report through the reelection committee.