

# Hunt and Barker to Be Freed Without Bail

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WASHINGTON, Dec. 28—The United States Court of Appeals here ordered today that E. Howard Hunt Jr. and Bernard L. Barker be released from prison without bail pending the appeal of their conviction in the Watergate case. The court gave no reason for its decision.

Both men pleaded guilty last January to having conspired to break into the Democratic head-

quarters in the Watergate complex in June, 1972.

Last fall, however, they asked Judge John J. Sirica to allow them to change their pleas to not guilty and stand trial.

Judge Sirica, Chief Judge of the United States District Court here, refused the request last November and sentenced the two men to prison. The men appealed that ruling.

Mr. Hunt, a former agent of the Central Intelligence Agen-

cy, was accused of having planned the Watergate burglary and of having recruited the other participants. He received the stiffest sentence of the original Watergate defendants—from 30 months to eight years in prison and a fine of \$10,000.

## Barker Was Leader

Mr. Barker was the informal leader of the group of four men from the Miami area who participated in the burglary. He was sentenced to 18 months to six years in prison and was not fined.

The appeals court did not rule on appeals from the other Miami-area men—Frank A. Sturgis, Eugenio R. Martinez and Virgilio R. Gonzalez. They are serving prison terms of one to four years and had also sought unsuccessfully to have Judge Sirica reverse their guilty pleas.

The court said that it was withholding judgment on their motion to be released at the request of their attorney, Daniel F. Schultz. Mr. Schultz said tonight that he had made the request because the Parole Board was scheduled to hear the three men's applications for parole on Jan. 7, and he was afraid that, if the court had acted, the board might have delayed the hearing.

## 4 in Jail a Year

Mr. Hunt, on the other hand, is not eligible for parole for about two years and Mr. Barker is not up for parole for another four or five months.

The four men from Miami have been in jail since Janu-

ary. Mr. Hunt has been in prison since March.

A spokesman for the Bureau of Prisons said that Mr. Hunt and Mr. Barker would be released as soon as the court's order could be officially verified, probably over the week-end.

Mr. Hunt is in the Federal prison in Allenwood, Pa., and Mr. Barker is in the one at Elgin, Fla.

The other two men convicted in the Watergate conspiracy—G. Gordon Liddy and James W. McCord Jr.—pleaded not guilty, stood trial and were convicted. Mr. Liddy is serving a term of six years and eight months to 20 years. Mr. McCord, whose cooperation with the prosecution was one of the factors that exposed superiors in the Watergate burglary and cover-up, is serving a term of one to five years.

On another matter, the appeals court ordered Judge Sirica today to reconsider his ruling that denied the Senate Watergate committee access to White House tape recordings and documents.

The judge ruled in October that he did not have jurisdiction to order the White House to release the material. This month, however, Congress enacted legislation specifically granting Judge Sirica's court jurisdiction over the case. Last week, President Nixon allowed the legislation to become law without his signature.

The appeals court instructed Judge Sirica to reconsider the case in light of the new legislation.