

ACLU Asks Trials for All

By Lawrence Meyer
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The American Civil Liberties Union asked Chief U.S. District Judge John J. Sirica yesterday to set aside the convictions of the seven original Watergate defendants so that they can be retried "under a properly drawn indictment which charges all of those responsible for the Watergate conspiracy regardless of their station in life."

In addition, the ACLU made public a 106-page critical analysis of the Watergate trial, turned over to Special Watergate Prosecutor Archibald Cox on Monday, that strongly attacks the original three-man prosecution team and calls for a "clean and public break with the prosecutorial past."

The report calls on Cox in the introduction to "take steps designed to assure the public that he has employed an absolutely impartial and independent staff."

The report asserts that the original prosecutors "became hopelessly enmeshed in a sham prosecution. No matter the fault and no matter whether their previous decisions were made in good faith, they should not be allowed to participate further in presentation of the Watergate case."

Cox reportedly is studying the report but had no comment on it. The three original Watergate prosecutors—principal Assistant United States Attorney Earl J. Silbert, and Assistant United States Attorneys Seymour

Glanzer and Donald Campbell—have joined Cox's staff although Cox has not made it clear whether their addition is permanent or only temporary.

The ACLU motion was accepted by the court clerk and then removed from being formally filed until Sirica determines whether the ACLU can intervene as an amicus curiae (friend of the court). It supports the motion of convicted Watergate conspirator James W. McCord Jr. for a new trial.

The motion asserts that the trial, during which McCord and former Nixon reelection committee official G. Gordon Liddy were convicted and five other men pleaded guilty to all charges against them, was tainted by perjured testimony and by

"false representations made to and relied upon by the court."

"The integrity of the judicial process which this court sought to protect throughout the trial is at issue," the motion asserts. "Its vindication demands that the results of that trial — independent of the desires of either the prosecution or the defense — be set aside."

Two principal prosecution witnesses, deputy Nixon campaign director Jeb Stuart Magruder and reelection committee scheduling director Herbert L. Porter, both have admitted while testifying before the Senate select Watergate committee that they committed perjury while testifying before the federal Watergate grand jury and during

Involved in Watergate Case

the Watergate trial last January.

Magruder, who denied at the trial that he had authorized Liddy to bug the Democratic National Committee's Watergate headquarters, admitted last week to the Senate committee that he had participated in the planning and execution of the Watergate bugging and in the subsequent cover-up.

Porter admitted to the Senate committee that he had lied in order to corroborate Magruder's trial testimony about why Liddy had received \$100,000 in reelection committee funds.

The report to Cox, included as an appendix to the motion in court, raises 23 points for consideration about the trial. Written by Charles Morgan Jr., direc-

tor of the ACLU's Washington national office, the report strongly implies that Silbert, attempted to introduce blackmail as a fictitious motive" into the Watergate trial to help explain the reasons for the bugging of the Democratic headquarters.

Morgan, who represented Democratic employees whose conversations were bugged, successfully blocked testimony about the contents of overheard conversations from being introduced during the trial. In the report, he quotes with emphasis a statement he made during a pretrial hearing.

Speaking to Sirica, Morgan said last Jan. 3, "When your honor went into the question of intent and mo-

tive and you were talking about that a minute ago, what I am telling you is that is what they (the prosecutors) are trying to prove the motive is.

"I know in intelligence, in law, in politics, there are, I guess, stories we call cover stories. That might say to some folks they might feel fine about that prosecution and defense politically."

When Silbert could not introduce testimony about the contents of the wiretapped conversations because an order of the United States Court of Appeals barred him from doing so, the report charges, he moved by "indirection."

Speaking of himself and his clients, Morgan says,

"We knew precisely what was happening to us and through us to the nation. For wrapped into this struggle to protect privacy . . . there lay the essential truth about Watergate. Without evidence of the contents of the conversations, Mr. Silbert would be unable to convince anyone that the motive for the crime was blackmail. And without a believable nonpolitical motive, a motive acceptable to and believed by Judge Sirica and the public, the search for truth in the Watergate case would continue."

Glanzer said last night he could not comment on the report because he had not seen it. The other prosecutors could not be reached for comment.