

Plea to Delay Hearing In Bugging Refused

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12/16/72
Chief U.S. District Judge John J. Sirica yesterday denied a motion by the Los Angeles Times and two of its reporters to delay a hearing on an order to the Times to produce tapes of an interview with a key government witness in the Watergate bugging case.

After a short hearing yesterday afternoon, Sirica said the Times has had more than a month to prepare its arguments against the subpoena. "I see no reason why this motion should be granted," Sirica said.

Lawyers for E. Howard Hunt Jr., one of seven defendants charged in connection with the alleged bugging and breaking June 17 at the Democratic National Committee's Watergate headquarters, issued Thursday a subpoena for the Times to produce tapes and other materials from more than five hours of interviews conducted with Alfred C. Baldwin III.

After the interviews, conducted by Times reporters Jack Nelson and Ronald J. Ostrow, the Times published a first-person account by Baldwin in which he outlined his role in electronically monitoring telephone conversations in the Democratic party headquarters. The Times also published a news story based on Baldwin's account. The stories appeared in the Oct. 5 and 6 editions of The Washington Post.

Timothy Dyk, lawyer for the Times, told Sirica during oral arguments that the defense subpoena "raises a question of landmark importance" that constitutes a "body blow to a free press."

Dyk asked Sirica to delay the date for which the materials are to be returned—now set for Dec. 19—until after the Times and the two reporters could prepare their opposition to the subpoena. Dyk asked to file a motion to quash the subpoena on Dec. 20, that the defense file its answer on Dec.

21 and that arguments be scheduled for Dec. 22.

William O. Bittman, Hunt's lawyer, has stated that the defense seeks the tapes and other materials to see if Baldwin made statements to Nelson and Ostrow that conflict with Baldwin's testimony in the trial, scheduled to begin Jan. 8.

Dyk told Sirica that Bittman is seeking the disclosure of "confidential information" that Nelson and Ostrow received with the understanding that Baldwin could approve the contents to the story before it appeared in print.

Both Dyk and Herbert J. Miller Jr., the lawyer for Nelson and Ostrow, have said they will take the issue to the Supreme Court if necessary to block turning over the materials sought. Sirica can impose sanctions under contempt of court powers to try to compel the Times and the reporters to turn over the materials.

Bittman, arguing that the matter "should be handled as expeditiously as possible," opposed Dyk's request for a delay.

Bittman recalled that he first asked Sirica on Oct. 25 to grant the subpoena and that the Times indicated the same day that it would oppose disclosure of the materials.

Miller said after the hearing yesterday that a motion to quash the subpoena would be filed with Sirica before the scheduled Dec. 19 pre-trial hearing.