

# Hunt, 4 Others Lose Appeals

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The U.S. Court of Appeals here yesterday refused to allow E. Howard Hunt and four Miamians to withdraw their guilty pleas to charges in the original Watergate break-in.

Unless an attempt is made to appeal the ruling to the Supreme Court or the sentences are reduced Hunt would soon have to resume serving a 20-month to six-year jail term. Frank Sturgis would have to resume serving a one to four-year term, and Bernard L. Barker would resume serving an 18 month- to six-year term.

Yesterday's ruling has no practical effect on the situations of Eugenio Martinez and Sergio Gonzalez, both of whom have been paroled after serving one year of their one-

four-year sentences in the Watergate case.

Each of the five men had pleaded guilty in mid-January, 1973, after the Watergate break-in trial had gotten under way before U.S. District Judge John J. Sirica.

Eight months later they filed requests to withdraw their guilty pleas and enter pleas of not guilty so they could go to trial. They contended, among other reasons, that they felt obliged to remain silent for national security reasons at the time of their plea. Judge Sirica denied those requests.

Yesterday's Court of Appeals ruling came in two separate opinions — a lengthy 5-to-2 ruling in an appeal by the four Miamians, and a 7-to-0 opinion in the appeal by Hunt

of Sirica's denial of the new trial request.

The majority opinion by U.S. Circuit Judge J. Skelly Wright, filed in the Miamians' appeal, did not reach the legal merits of the so-called "national security" defense raised by the four defendants.

Instead, the judges found that the guilty pleas were voluntary and knowledgeable; that the four men lied to the court at the time they entered the plea; that allowing them to withdraw their pleas eight months after trial would severely prejudice the government; that the defendants based their national security defense entirely on their own beliefs, and that such beliefs were "patently unreasonable."

Noting that the four Miami-

ans "were only the 'foot soldiers' of this conspiracy," the judges pointed out the availability of a motion to be filed asking, asking a reduction of their sentences.

Separate dissenting opinions filed by Circuit Judges George MacKinnon and Malcolm Wilkey found that the Miamians should be allowed to withdraw their pleas because they had a valid defense in that they had mistakenly relied on Hunt's alleged governmental authority when they took part in the break-in at the Watergate complex.

MacKinnon described them as "super-patriots . . . (who) acted in the purest of motives and in the utmost good faith."

U.S. Chief Circuit Judge David L. Bazelon also agreed that the defendants had a val-

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id defense, but still joined in the majority opinion in refusing the changes in plea.

Hunt's motion to change his plea was rejected in a two-page opinion citing earlier court rulings in the Watergate break-in appeals. MacKinnon and Wilkey joined in the majority in the Hunt decision while reserving the objection they raised at length in the Miamians' opinion.