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By KEN GEPFERT

Associated Press Writer

MIAMI, Fla. AP - State Atty. Richard Gerstein of Miami claimed Friday his investigation of the break-in at Democratic National Headquarters has prevented federal authorities from "sweeping it under the rug until after the November election."

"Our disclosures have prompted other agencies into taking more expeditious action and prevented them from sweeping it under the rug until after the election and then writing off the break-in as some prank," Gerstein said in an interview Friday.

Gerstein, a Democrat up for re-election, said the break-in was part of "a systematic plan to spy on the Democratic headquarters to steal their records."

Gerstein said testimony by commercial photographer Michael Richardson of Miami shows there may have been more than one break-in at the Democratic headquarters and it was "a concerted action, not just some kooks out on a frolic."

Richardson testified that he developed prints of what appeared to be private correspondence between Democratic leaders one week before the June 17 break-in at Watergate in Washington, D. C.

Richardson said Friday he was subpoenaed by Gerstein to give a sworn statement and then submit to a lie detector test almost six weeks after he volunteered a statement to the FBI in Miami.

In his statement to Gerstein, the 29-year-old mustachioed photographer said two men, who he later identified as two of the five suspects in the June 17 Watergate break-in, paid him \$94 on June 10. The men asked for a "special rush job" to develop thirty-eight 8-by-10 prints from two rolls of 35 millimeter film, he said.

Richardson said he "had my doubts" about the legality of the photographed documents when he saw what appeared to be a dossier on a leading Democrat and private correspondence on Democratic National Committee stationary.

But he said it wasn't until nine days later that he recognized newspaper photographs of the two men after they had been arrested in connection with the Democratic break-in. He said he recognized the pair as former CIA agent Bernard L. Barker and another man charged in the Watergate burglary, Frank Sturgis-Fiorini.

"That's when I knew I was sitting on a bomb and went to the FBI," he said.

Richardson said agents "were very enthused over the news" when he told his story to the FBI on July 19. "They told me I might be called to testify before a grand jury in Washington," he said.

The soft-spoken photographer said he was interviewed by FBI agents three or four more times before being subpoenaed by Gerstein Tuesday.

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Spokesmen for the FBI in both Miami and Washington refused comment. The U. S. attorney's office in Miami also refused comment.

Gerstein denied that his investigation was politically inspired, saying he launched the probe July 1 and "I was not even a candidate for re-election until July 24."

~~The state attorney said he started investigating the Watergate break-in~~ "when I realized there was a strong possibility Florida law had been violated."

He declined to say when, or if, charges would be filed as a result of his probe.

He said violations of state law involving use of a notary seal, banking statutes and possession of stolen property may be involved.

Gerstein said Richardson's testimony leads "to one of two conclusions. Either there was an earlier break-in at the Watergate or the documents were taken through some other improper means."

After the arrest of the five men June 17, the law firm of Freed, Frank, Harris, Shriver and Kampelman, located in the Watergate complex, reported that their suite appeared to have been entered on the night of May 15 or the morning of May 16. The firm reported that nothing was missing.

Democratic vice presidential candidate R. Sargent Shriver and Patricia Robert Harris, credentials committee chairman of the Democratic National Convention, are members of the law firm.

Asked if the documents Richardson described could have been from the law firm, Gerstein replied, "That may well tie in to all of this."

Richardson said he recalled seeing in the photographed documents "practically a complete dossier" of a woman whom he could remember only as "the head of the woman's part of the Hubert Humphrey campaign."

Mrs. Harris supported Sen. Humphrey in the Democratic primary campaign.

Asked about the dossier Friday, Richardson described it as "more or less an evaluation of her as a person." He said, however, that it contained "nothing personal like bad habits."

Richardson said his brief reading of the photograph revealed "no definite plans or strategies," but confessed that he did not understand the complexities of the Watergate investigation.

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Meanwhile, the Miami Herald reported in its Saturday editions that a clerk in Rich Photos, which is owned by Richardson's father, said that Richardson was "confused" about who brought in the film for rush processing June 10.

Clerk Jenaro Perez said he knew the two Watergate suspects identified by Richardson, Barker and Sturgis-Fiorini, and that he had never seen them inside the photo shop.

Perez said he knew Barker and Sturgis-Fiorini from his attendance at various anti-Castro meetings held among Miami's large Cuban refugee population.

"I am saying that Mr. Richardson is maybe wrong," said Perez. "He is confused. Persons sometimes look like someone else."

Dardis, Gerstein's chief investigator, said he is still trying to identify a third man who Richardson said accompanied Barker and Sturgis-Fiorini. Richardson had testified that he assumed the third man was the photographer because he was anxious to see the finished prints.

"We haven't found him the third man yet," Dardis said Friday, "but we're about to."

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