

Defense to Ask Postponement OCT 18 1972

Bugging Trial Set for Nov. 15

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Chief U.S. District Judge John J. Sirica, brushing aside the objections of defense lawyers, ordered yesterday that the trial of the seven men charged with the Watergate bugging incident will begin Nov. 15.

Lawyers for the defendants indicated after the two-hour hearing that they would seek a postponement from the U.S. Court of Appeals. Sirica said that he intends to sequester the jury during the trial.

In related developments yesterday:

- A Fairfax County Circuit Court judge ordered Hugh W. Sloan Jr., former treasurer of the Committee for the Re-election of the President, to go to Miami to testify in a trial beginning Oct. 30, involving Bernard L. Barker, one of the seven defendants in the criminal trial here.

- Kenneth Dahlberg, Midwest regional finance chairman for the Nixon campaign, indicated that he will appear in Miami for a pretrial conference Oct. 26. Dahlberg allegedly turned over a check for \$25,000 to Maurice Stans, chairman of the President's re-election finance committee and that check later turned up in Barker's bank account.

A Dade County, Fla., judge signed extradition orders Thursday for Stans as well as for Sloan and Dahlberg. A spokesman for the President's re-election committee said last night, "Mr. Stans will oppose extradition. This is obviously a political move trying to tie him up 12 days before the election. He is not a material witness."

Sirica's order yesterday of a Nov. 15 date — eight days

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after the Presidential election — for the criminal trial of the seven men charged with the burglary and bugging of the Democratic National Committee headquarters in the Watergate came during an occasion-

ally heated two-hour pretrial conference.

Sirica opened the hearing, which he called without disclosing the purpose, by announcing that the government's Oct. 28 deadline for responding to defense motions with arguments to be held Oct. 25. He announced the Nov. 15 trial date, explaining that the date would fall 60 days after the seven were indicted — the time recommended by the U.S. Judicial Conference for beginning highly publicized trials. Only after announcing the trial date did Sirica ask for comment from defense and prosecuting lawyers.

The four lawyers representing the seven defendants each told Sirica that the Nov. 15 date conflicted with other cases they had pending and would not give them adequate time to prepare their defense. After a 20-minute recess, the four lawyers recommended three other dates — Dec. 18, Jan. 8 and Jan. 22.

Principal Assistant U.S. Attorney Earl J. Silbert, the chief prosecutor in the case, said the government probably could be ready by Nov. 15 "but it will be quite difficult. Silbert said any of the three alternative dates was acceptable to him.

Although Silbert did not explicitly object to the Nov. 15 date, at one point he told Sirica that a consensus existed that "when this case is tried, it should be tried on a perfect (court) record."

At one point in the proceedings, Sirica became involved in a heated exchange with Peter Maroulis, lawyer for former White House aide G. Gordon Liddy, one of the seven defendants.

Maroulis told Sirica that the judge should not have relaxed his Oct. 4 order restricting out of court statements by persons connected with the case without checking first with the lawyers. Sirica relaxed the order on Oct. 6 after House Banking and Currency Committee Chairman Wright Patman and Joseph A. Califano Jr., lawyer for the Democratic Party, both wrote him letters criticizing the order as too broad and vague.

Sirica asked Maroulis if he thought the order had been changed under pressure. Referring to the Patman correspondence, Maroulis answered, "As a result of the letter there was a change made. I don't know if your honor felt threatened. I don't know if he was influenced."

"I don't want to get into an argument with counsel," Sirica replied. "What are you insinuating?"

Maroulis said that as a result of the change in the order there had been a "renewal of massive publicity" in the case to the detriment of the defendants.

"I'll dispense with that in about a second," Sirica responded. "I don't agree with that at all."

Sirica told the defense lawyers that he had set the Nov. 15 date because "I'm going to sequester this jury. I'm thinking about the holidays coming up. I don't want the jury sequestered for the holidays."

During the recess, Liddy, relaxed and smiling, crossed the court to the spot where Silbert and Assistant U.S. Attorney Donald E. Campbell were standing and playfully punched Campbell in the arm. E. Howard Hunt Jr., also a defendant in the case and a former White House aide, made a brief phone call in the hall outside the court, conducting

his conversation in Spanish. Hunt was ordered on Sept. 15 by Sirica to surrender his passport, among other reasons because of his proficiency in Spanish.

Following the recess, Henry Rothblatt, another defense lawyer, pressed Sirica on a motion to change the location for the trial. "Where do you want to go, Honolulu?" Sirica asked. "San Juan, Puerto Rico," Rothblatt answered, proceeding to outline why San Juan would be a good location for the trial.

Sirica said he was not disposed to grant the change of venue although he said he would hear defense arguments on the motion "at the proper time."

In Fairfax County Circuit Court yesterday, Judge Barnard F. Jennings ordered Sloan, the former campaign treasurer for the President, to go to Miami to testify in Barker's trial there.

Barker, one of five men arrested by metropolitan police inside the Democratic headquarters on June 17, is charged in Florida with using his notary public seal to falsely indicate that the \$25,000 check that turned up in his bank account was endorsed by Dahlberg in his presence.

In court yesterday, Sloan said he had received a \$25,000 campaign contribution check from Stans, the President's finance chairman, and passed it on to Liddy, who was fired as financial counsel for the re-election committee after he refused to answer FBI questions about the Watergate incident and later was indicted in the case.

Sloan said he did not know whether the \$25,000 check linked to the Miami case was the same one he handled. Sloan also testified he did not know Barker, had never met him or seen him or his signature.