

Watergate Judge Wants U.S. to Revive Its Inquiry

NYTimes By WALTER RUGABER FEB 3 1973
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WASHINGTON, Feb. 2—The judge in the Watergate trial charged in blunt language today that the recently concluded criminal proceeding had failed to get to the bottom of the case and urged the Government to resume its investigation.

Chief Judge John J. Sirica, whose feelings were apparent during the trial, expressed his dissatisfaction during a hearing on bail for the two defendants convicted last Tuesday.

He said that he had "great doubt" about the testimony of Hugh W. Sloan Jr., former treasurer of the President's fund-raising arm, and disclosed that he had suggested the names of "several persons" who ought to be questioned.

They should be "put under oath in the grand jury room," the judge said, and not permitted—as was at least one rank-

ing Presidential adviser—to submit their testimony in writing.

"Everybody knows there's going to be a Congressional investigation in this case," the 69-year-old judge said, referring to a projected inquiry under Senator Sam J. Ervin Jr., Democrat of North Carolina.

"I would hope frankly—not only as a judge but as a citizen of a great country and one of millions of Americans who are looking for certain answers—I would hope that the Senate committee is granted power by Congress by a broad enough resolution to get to the bottom of what happened in this case."

The judge appeared especially displeased with the testimony concerning cash payments of \$199,000 by the Committee for

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the Reelection of the President to a defendant in the case, G. Gordon Liddy.

First, the judge said, he has "great doubt" about whether Mr. Sloan "has told us the entire truth in this case."

Jeb Stuart Macgruder, former deputy director of the re-election committee, testified that Liddy had been put in charge of spying on the Democrats.

Mr. Sloan said that he had been approved by former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans.

Under close questioning by Judge Sirica, Mr. Sloan insisted that he had "no idea" what Liddy had done with the money and gave no indication that Mr. Stans or Mr. Mitchell had either.

The judge said today that in addition to doubting Mr. Sloan, he also suspected that others at the Committee for the Re-election of the President might have known the purpose of the payments.

"I have not been satisfied, and I am still not satisfied, that all of the pertinent facts that might be available have been produced before an American jury," Judge Sirica said.

"I am not satisfied that somebody else doesn't know anything about what the \$199,000 Mr. Liddy got was going to be used for," the judge, a Republican appointed to the bench by

President Eisenhower, said.

Panel Still Sitting

Judge Sirica cannot force the Government to resume its grand jury inquiry, but the panel that returned indictments in September is still sitting, and the prosecutors have indicated that further testimony will be taken.

During the trial, the judge said, "I gave the Government the names of several persons who should be called before the grand jury to testify about what they know about this case."

"I made these suggestions after hearing testimony from the lips of the witnesses on the stand and listening to the tapes of Mr. [Alfred C.] Baldwin's interview with The Los Angeles Times," he said.

Mr. Baldwin, a major Government witness who said that he had monitored a wiretap on telephones at the offices of the Democratic National Committee, detailed his experiences in an interview with the newspaper.

Today the judge told Earl J. Silbert, the principal Assistant United States Attorney, that he hoped any further witnesses would be "put under oath" and not allowed to send in depositions, as some have been allowed to do in the past.

A spokesman for the Justice Department reported in September that Mr. Stans had given a "sworn statement" to the grand jurors. Whether others did so was not disclosed. Mr. Mitchell

was said to have appeared personally.

Names Are Secret

Judge Sirica said that the names of those he wanted called in a renewed investigation had been provided to the Government in a closed-door session, and he warned those who had attended it not to disclose the names.

The judge disclosed his action in excoriating a defense lawyer, Gerald Alch of Boston, for cit-

ing in a motion for bail some of the statements that had been made at the secret proceeding.

Mr. Alch said that he had not realized that the transcript had been sealed by the court and apologized for quoting from it. But the judge said that the incident "deserves censure," and added that he was "strongly considering" referring the matter to the bar association.

Judge Sirica, defending his examination of Mr. Sloan and other witnesses, said that he had felt that neither the Government nor the defense attorneys had "asked questions."

"I don't think a Federal judge should sit up on a bench—particularly in a case like this one, with great public interest in it—I don't think we should sit up here like nincompoops," the judge said.

"I had a right to question him [Mr. Sloan] to see that all the facts are brought out. I don't make any apologies to the attorneys or to anybody else or the Court of Appeals, if they should look at it."

"I'm glad I did it; if I had it to do over, I would do the same, and that's the end of that."

At today's hearing, the judge refused to set bond for appearance at sentencing at less than \$100,000 for Liddy and for

James W. McCord Jr., the other defendant found guilty on Tuesday.

Five others who pleaded guilty in the case are under bonds of the same amount. Only one of them, E. Howard Hunt Jr., was able to obtain a surety and remain free until the sentencing reports have been compiled.

Lawyers for Liddy and McCord said that they would be unable to post the amount. Judge Sirica indicated that he would attempt to have the two men removed from the District of Columbia jail, a grim institution, to a Federal prison.

Four of those convicted—Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgil R. Gonzalez, all of Miami—have remained in the jail here since their guilty pleas were entered.