

Judge Scolds Watergate Prosecutor

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By Lawrence Meyer

Washington Post Staff Writer

The presiding judge in the Watergate bugging trial criticized the prosecution's handling of the case yesterday and said he hopes that an upcoming Senate investigation "would try to get to the bottom of what happened in this case."

"I have not been satisfied and I am still not satisfied that all the pertinent facts that might be available—I say might be available—have been produced before an American jury," Chief U.S. District Judge John J. Sirica said yesterday during a post-trial hearing.

Sirica also said that he has "great doubts" that an important prosecution witness "told us the entire truth in this case."

The judge said he has given the government a list of names of persons with a suggestion that they be called to testify before the grand jury. Principal Assistant U.S. Attorney Earl J. Silbert, the chief prosecutor during the trial, said he has no plans to call anyone other than the seven defendants in the trial to testify.

Silbert said that of the six persons on Sirica's list (Sirica ordered their identities to be kept secret) five already had appeared before the grand jury prior to an indictment's being returned Sept. 15. The sixth person's name, Silbert said, "never came up directly or indirectly, however remotely, during the investigation of this case."

Sirica's remarks in court yesterday were in the nature of a spirited defense of the way he conducted the trial of seven men on charges of conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the break-in and bugging of the

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Democratic National Committee's Watergate headquarters.

The trial began Jan. 8 with seven defendants and ended Jan. 30 with the conviction of two—G. Gordon Liddy, former White House aide and finance counsel to the Committee for the Re-election of the President, and James W. McCord Jr, former committee security director.

The five other defendants, including former White House aide E. Howard Hunt Jr, all pleaded guilty earlier in the trial.

Sirica heard arguments yesterday requesting that he set bail for McCord and Liddy, who were held without bond in the D.C. jail. In the course of the hearing, Sirica responded to critical statements about the conduct of the trial made by McCord's lawyer, Gerald Alch, in papers he filed.

Both before and during the trial, Sirica had said he wanted to find out if anyone besides the seven defendants was involved in the Watergate affair. Alch said Sirica acted like a prosecutor in questioning witnesses, including former Nixon campaign committee treasurer Hugh W. Sloan Jr. "I don't think we should sit up here like nincompoops, I'll put it that way," Sirica said in response. "I have great doubts that Mr. Sloan has told us the entire truth in this case. I will say it now and I indicated that during the trial."

Sloan testified during the trial that, with the authorization of his superiors on the committee, he had turned over about \$199,000 to Liddy but that he had no idea what the money was for or how it was spent.

"I felt that neither of you—government or defense—asked Mr. Sloan any questions," Sirica said. "I had a right to question him to see that all the facts were brought out."

Sloan told Sirica that he resigned from the committee because of the Watergate affair. He is known to have told friends that he quit because he did not approve of what was happening at the committee.

Sirica referred to the Senate investigation that Sen. Sam Ervin (D-N.C.) is expected to conduct into the Watergate affair and related charges that the re-election committee supported a broad campaign of espionage and sabotage conducted against the Democratic presidential candidates.

"Everybody knows that there's going to be a congressional investigation in this case," Sirica said. "I would frankly hope, 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 the power by Congress by a broad enough resolution to try to get to the bottom of what happened in this case. I hope so. That is all I have to say."

Sirica also upbraided McCord's lawyer, Alch, for divulging a portion of a statement contained in a transcript Sirica had ordered sealed. "I am strongly considering referring this to our grievance committee," Sirica told Alch. "Your conduct, I think, deserves censure."

Alch explained that the breach of the order—quotation of a short passage—was done inadvertently by him. "I didn't mean to antagonize you," Alch told Sirica. "You didn't antagonize me, but you shouldn't have done it," Sirica replied.

Sirica set bond for Liddy and McCord at \$100,000 each. Both have indicated that they cannot afford that amount and will try to have the amount reduced. In the meantime, Sirica said he is transferring Liddy

to the federal prison at Danbury, Conn., with Liddy's assent.

McCord will be transferred to the federal prison in Petersburg, Va., if he wishes, Sirica said. Hunt is free on \$100,000 bond, pending sentencing.

The four other defendants who pleaded guilty—Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio R. Gonzales—also will be sent to Petersburg from the D.C. jail, Sirica said.