



United Press International

Watergate conspirator G. Gordon Liddy smiles as he leaves a subcommittee hearing at which he refused to testify.

WXPPost

JUL 21 1973

Liddy Won't Take Oath at

By Susanna McBee

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G. Gordon Liddy, the convicted Watergate conspirator who reportedly vowed he would rather die than divulge information about the case, refused yesterday even to be sworn in before a House subcommittee.

The House Armed Services subcommittee voted unanimously to seek a contempt citation against him. Chairman Lucien N. Nedzi (D-Mich.) commented afterward, "We were all taken by surprise."

Nedzi said he would ask the full committee to vote on the matter next Thursday. If the committee approves, the issue will go to the House floor, and if the House votes for the citation, the Justice Department will be asked to seek an indict-

ment in U.S. District Court here.

The maximum penalty is a year in jail and a \$1,000 fine. Liddy, 42, is now serving an eight-month contempt of court sentence in the District of Columbia jail — on top of a sentence of 6 years and 8 months to 20 years for his part in the Watergate burglary.

Capitol Hill sources could recall only two cases in which the House has voted contempt citations after a witness refused to take an oath or affirmation that he would tell the truth at a committee hearing.

The first came in 1947 when the late Gerhardt Eisler, labeled "the No. 1 Communist spy in the United States" by the House Un-American Activities Committee, refused to take an oath before HUAC because

it would not let him read a three-minute statement first. The committee, which included a young California congressman named Richard Nixon, initiated contempt proceedings.

Eisler received a year's sentence on the contempt charge and later a one- to three-year sentence for making false statements when he sought a permit to leave the country. He was on bail pending appeal in 1949 when he hid in the Polish liner *Batory* and ended up in East Germany. When he died there in 1968, he was a high-ranking Communist propagandist.

The other case came in 1970 when Arnold S. Johnson, public relations director for the U.S. Communist Party, refused to take the oath before HUAC's successor, the House Internal Security Committee, which

wanted him to testify on the New Mobilization Committee to End the War in Vietnam.

Johnson was indicted by a federal grand jury in November, 1970, but the indictment was dismissed in October, 1972, on a motion of the Justice Department, which decided to drop the prosecution rather than submit transcripts of Johnson's illegally wiretapped phone conversations.

After yesterday's 90-minute hearing Liddy, looking drawn and thin, nevertheless smiled and gave a jaunty wave to reporters. His lawyer, Peter Maroulis, of Poughkeepsie, N.Y., accompanied him.

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The polite and unemotional session, according to Nedzi, went like this:

Nedzi stood and raised his right hand while his fellow subcommittee members—F. Edward Hebert (D-La.), Melvin Price (D-Ill.), William G. Bray (R-Ind.), and Leslie C. Arends (R-Ill.)—looked on.

Liddy, wearing a deep blue suit and bright blue shirt, also stood and raised his right hand.

Nedzi asked, "Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth?"

Liddy, right hand still raised, said his counsel had a statement to make and sat down as Maroulis began his half-hour "scholarly treatise," as Nedzi called it.

Maroulis compared a congressional hearing with a court trial and argued that a defendant cannot be forced to take an oath or testify at a trial.

"But a congressional hearing is not a trial," Nedzi replied. "He's not a defendant. He's a witness."

Maroulis, however, insisted that Liddy's Fifth Amendment right against self-incrimination and possibly his Sixth Amendment right to a fair trial would be jeopardized by assenting to the oath.

"I was so taken aback by all this that I don't recall all the historical references he used," Nedzi commented. "But I know he went back at least as far as the 11th century."

Maroulis also cited British Star Chamber secret trials in 1487 and the Spanish Inquisition, which went from 1454 to 1576, the congressman added. "When the record is printed, it will make interesting reading. I'm looking forward to it."

Nedzi stressed to Liddy and Maroulis that his subcommittee is a legally constituted unit of Congress, that they were placing themselves in direct conflict with a congressional prerogative, that courts have upheld contempt citations, and that Liddy was facing one by his action.

He asked if they were still insisting on it, and they both said yes, he reported.

Afterward, the congressman said the argument "raises some interesting legal questions. I'm not dismissing it out of hand as frivolous. There is a question as to how broad the Fifth Amendment is. As a lawyer, I can see a legal argument. If I were a judge, I would not go along with it, but who knows what a court will do?"

Earlier this week other Watergate witnesses—Egil M. Krogh Jr. and David R. Young Jr., former White House aides in charge of the

Hearing

so-called "plumbers" unit created in 1971 to investigate security leaks to the press, and former White House counsel John W. Dean III—cited the Fifth Amendment in refusing to answer questions of the subcommittee, which is investigating Central Intelligence Agency involvement in the Watergate case.

Liddy, 42, a former prosecutor, an ex-FBI agent, and a member of the "plumbers" who used CIA equipment in their operations, was also expected to cite the Fifth Amendment. He had reportedly declined even to tell Watergate prosecutors his name and later, last March, he refused to testify before a federal grand jury although he had been granted immunity from further prosecution. His contempt of court sentence stemmed from that refusal.

Liddy, who was finance counsel for the Committee for the Re-election of the President, was fired from the committee in June after refusing to answer FBI questions about the Watergate break-in. In September he was indicted, and last January he was convicted of conspiracy, burglary, and illegal wiretapping.

Through it all he has never talked.