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Gainesville Trial

'Just Call It Watergate II'

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"Why don't we just refer to it as Watergate II?" Defendant William Patterson shouted at a federal judge during a hearing last Monday night concerning what the defense claims is an FBI attempt to bug defense attorneys during the riot conspiracy trial of eight persons here.

And while U.S. District Judge Winston E. Arnov ordered Patterson's comments stricken from the record and told the Vietnam veteran to "Sit down!", the impact of his statement was not lost.

Even though the defense hasn't put on any witnesses yet, it appears clear that it hopes to prove that the case against the eight anti-war protesters is a frame-up, an attempt by the Nixon administration to justify the necessity of the Watergate break-in.

To help them along the way is what one Justice Department source termed an "embarrassing chain of events" that culminated in the discovery of the two FBI agents in a locked telephone wireroom next to the defense offices.

CHECK

The defense looks on the alleged bugging attempt, which the FBI says was a "routine check of FBI telephone lines for bugs," as frosting on a multi-layered cake. In previous motions and discussions, defense attorneys and supporters have officially and unofficially drawn the court's and the public's attentions to these other possible Watergate-type links:

- Testimony by convicted Watergate conspirator James McCord that part of his mission was to secure information on "violence-oriented groups," but that the only such group he named before the Senate Watergate committee was the Vietnam Veterans Against the War. All eight defendants are members of the VVAW.

- A statement by Alfred Baldwin, self-described participant in the Watergate bugging operation, that he was assigned by McCord to infiltrate VVAW for the purpose of "embarrassing the Democrats" if the veterans demonstrated at the Republican convention.

- Television appearance by alleged Watergate conspirator Jeb Stuart Magruder last January, in which he said the VVAW was "basically the hard-core that have been here in many of the demonstrations — and have actually promulgated violence in each case."

- A break-in at the office of Gainesville attorney Carol Wild Scott, who was representing conspiracy defendant Scott Camil in another case. She reported that the only item missing was her Camil file.

- Testimony by McCord that he saw daily reports from the Justice Department's internal security division, which brought the in-

dictments against the VVAW.

- The disappearance for several hours of a briefcase belonging to one of the defense attorneys during a flight from New York to Gainesville.

- Statements by FBI informer Pablo Manuel Fernandez that he was offered \$700 a week by convicted Watergate conspirator Eugenio Martinez to infiltrate protest groups at last summer's Democratic convention and embarrass George McGovern for "the Republican Party." Fernandez said he declined the offer because he was already assigned to work on the VVAW by the FBI and Miami police.

- During meetings with the VVAW, Fernandez discussed his access to weapons, including mortars and machine guns.

- Fernandez's trip to Washington with convicted Watergate conspirator Bernard Barker and other Miamians in order to disrupt left-wing demonstrations at the funeral of former FBI director J. Edgar Hoover for which he received \$100.

TRIAL

Judge Arnov has made it explicit that he intends to limit the trial to the specific charges against the defendants, and not allow defense attorneys to broaden their scope to include acts that may or may not be related to their case.

But young defense attorney Larry Turner of Gainesville, whose Southern drawl has seemed to temper Judge Arnov during heated court arguments, was allowed to slip a phrase into his opening statement concerning "this age of Watergate" when referring to the possibility that FBI informers who would testify for the government might have been agents-provocateur. Turner indicated he would attempt further to tie the VVAW and Watergate cases together.

One Justice Department attorney has bemoaned what he says is the paranoia of the defense in these and similar cases, saying it is a "solid conspiracy case" having nothing to do with the Watergate scandal. "It may be another administration before the Justice Department is able to present their case in an atmosphere of good faith," he said.

A Justice Department spokesman in Washington said Attorney General Elliot Richardson had received a report on the alleged bugging incident and is "satisfied." But he said that otherwise the department is leaving the day-to-day prosecution of the case to the local U.S. attorney's office.

CASE

Attorneys directly connected with the case are reluctant to talk to the press because of a "gag rule" imposed by Judge Arnow in an attempt to limit prejudicial publicity, even though the jury is sequestered.

But Justice Department attorney Robert Schneider

was overheard to say the night that the FBI agents were discovered in the telephone room that he would concede that "it doesn't look very good."

In the four hours of hearings held so far on the issue, electronics experts for all sides — including one brought in by the judge — say the agents had the right equipment for bugging the room in several ways. But the experts also assert that the agents had the right equipment for "checking out" FBI lines, which is what the government said they were doing.

As in any court hearing, it will boil down to whom the judge believes. He has refused on several attempts to allow the defense to present any evidence about Watergate, previous alleged government attempts to bug defense attorneys in conspiracy trials, or any evidence concerning the break-in of Pentagon Papers defendant Daniel Ellsberg's psychiatrist.

At one point, the judge said it was clear that the agents could have been bugging the defense, but "until we get something besides suspicion and conjecture" he would not be convinced that was their mission.