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NYTimes Watergate Bugging Trial Set To Start Week After Election

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WASHINGTON, Oct. 17 —

Judge John J. Sirica of United States District Court today set the start of the trial of the seven men indicted in the bugging of the Democratic National Committee headquarters here for Nov. 15, a week after the national election.

Despite vociferous objections from the four defense attorneys and agreement by the prosecutor that the date was too early for both sides to prepare their cases, Judge Sirica refused to change the date.

Gary Hart, campaign manager for Senator George McGovern, the Democratic Presidential nominee, said today that information about political sabotage would be turned into a campaign issue and that Senator McGovern may go on a half-hour television show to discuss the issue.

The case stems from the arrest of five men at the Democratic headquarters in the Watergate office building here last June 17.

One trial is scheduled before the election. Bernard L. Barker, one of the seven men indicted in the case, is scheduled to go on trial on Oct. 30 in Miami on charges of "false and fraudulent use" of a Florida notary public seal on a campaign check.

Today, Judge Bernard F. Jennings of Fairfax County Circuit Court ordered Hugh W. Sloan Jr., a former official of the

Nixon Campaign finance committee, to appear on Oct. 30 to testify at Mr. Barker's trial.

Judge Paul Baker, who will hear the case in Miami, has signed orders to extradite Mr. Sloan and the two other men, Maurice H. Stans, former Secretary of Commerce and now President Nixon's chief campaign fund-raiser, and Kenneth H. Dahlberg, chairman of the Minnesota Committee for the Re-election of the President, to appear at the trial.

Henry B. Rothblatt, who represents Mr. Barker, asked Judge Sirica today to restrain the Barker trial on the ground that it would make it difficult for him to prepare for both trials at once.

But the judge refused to intervene.

"I'm going to hold steadfastly to that trial date," Judge Sirica said early in the two-hour hearing, and near the end he added, "I want to get the case before the holidays."

Deposition Sought

Meanwhile, it was learned that attorneys for Lawrence F. O'Brien, the former Democratic party chairman and now chairman of the McGovern campaign, who has filed a \$3.2-million invasion of privacy suit over the Watergate bugging incident, will seek a sworn deposition from the landlord of a downtown Washington building next to what is now Senator McGovern's campaign headquarters.

All depositions in the three

civil suits arising from the bugging, including Mr. O'Brien's, have been stayed pending completion of the criminal trial.

The landlord, Leonard M. Gatti, confirmed in a telephone interview that he once rented the top floor office of a small, two-story building at 1908 K Street, N. W., to "a Mr. McCord," who he said "wanted to open an accounting firm" there.

Mr. Gatti, who said he never saw Mr. McCord but talked to him over the telephone, declined to give the man's first name or provide other details of the rental transaction, except to say that Mr. McCord paid rent on the property for an undisclosed period of time but never moved in. Mr. Gatti said the lease was eventually terminated "by mutual consent."

Nixon Aide Indicted

Mr. O'Brien's attorneys want to know whether the tenant was James W. McCord Jr., the former Nixon campaign security chief who is one of those indicted on charges of burglarizing and bugging the Democratic offices at the Watergate building.

In the Watergate incident, Mr. McCord is accused of setting up a clandestine monitoring center in a hotel across the street from the party's headquarters. One source close to the investigation said today that a similar, and heretofore unknown monitoring operation, might have been conducted against the McGovern headquarters building at 1910 K Street, N.W., from the office next door.

Senator McGovern's cam-

paign organization has occupied that building since the Democratic National Convention last July. From January to July, the building served as the campaign headquarters of Senator Edmund S. Muskie of Maine, an unsuccessful candidate for the Democratic Presidential nomination.

In the Federal court proceedings, Judge Sirica said he decided on the Nov. 15 date because it was exactly 60 days after the filing of the indictments, which is the time period set by the judicial conference during which major criminal cases should ideally be tried.

Jurors' Conference

Judge Sirica, who is the chief judge of the court, also said that he was thinking of the convenience of the potential jurors who would be questioned for jury duty during the holidays if the date was postponed.

There were several biting exchanges between the four defense attorneys and the judge over whether they could adequately prepare for trial in less than a month.

William O. Bittman, who represented E. Howard Hunt, said that his client would show up for trial without a lawyer if the date was not changed since he had to handle another pending trial.

Gerald Alch, counsel for Mr. McCord, and Peter Maroulis, counsel for G. Gordon Liddy, also argued that, considering there may have been 1,500 persons interviewed in the investigation, they could not possibly go through the material to prepare their case.

After a conference, the four attorneys suggested three other dates—Dec. 18, Jan. 8 and Jan. 22. Earl Silbert, Assistant United States Attorney and chief prosecutor, agreed that he would also need more time.

Estimate Unavailable

Mr. Silbert said that the Government had "a fair amount of documentary evidence and tangible evidence in this case" but, when pressed by the judge, he could not estimate how long the trial would last.

The defense attorneys can appeal the Nov. 15 date. In anticipation of an appeal, Judge Sirica asked Mr. Silbert to notify him if the Government was not prepared to defend his decision so that he could find his own counsel.

Only three of the defendants were in court today. They were Mr. Hunt, Mr. Liddy and Mr. McCord.

At one point, Mr. Liddy walked over to Mr. Silbert and Don Campbell, the two chief prosecutors, and playfully punched them in the chest.