

Judge, Ill, Postpones Trial Of Bugging Case to Jan. 8

By AGIS SALPUKAS

Special to The New York Times

WASHINGTON, Oct. 27 — Chief Judge John J. Sirica of the Federal District Court here, announced today that his physician had advised him to postpone from Nov. 15 to Jan. 8 the trial of the seven men charged in the break-in and alleged bugging of the Democratic National Committee's headquarters.

Judge Sirica said in a statement that he was suffering from a pinching of a nerve that caused pain to radiate down his left leg.

The 68-year-old judge, who walked with a limp, at a hearing yesterday said that his physician had advised him that he probably could not supervise the trial without interruption if he began it Nov. 15. This would be unjust to both sides, he said.

He added that his condition, "although painful, is not serious."

Judge Sirica said that he was taking the action with the greatest reluctance. Throughout the pretrial hearings he has taken a tough attitude toward objections by the defense lawyers that they could not possibly be ready for trial by Nov. 15.

Lawyers for the seven men indicted in the break-in at the Watergate complex said that they had other trials for which they had to prepare.

They also argued that the Nov. 15 trial date did not give them enough time to go through the large amount of evidence compiled by the prosecution and to prepare an adequate defense.

William O. Bittman, the defense lawyer for E. Howard Hunt Jr., at one point threatened that Mr. Hunt would go to trial without a defense unless the date was changed.

The judge had brushed aside all the arguments and had stuck to his position that the defense had adequate time. He had also denied several motions by the defense that the trial be moved out of Washington

on the ground that widespread publicity here would prevent the picking of a jury that could be impartial.

Last Wednesday, Judge Sirica complained several times during the hearing of motions that he was not feeling well.

In his statement today he said that the new trial date of Jan. 8 was one that had been proposed by the defense. He added that he would not take objections to the new date.

Judge Sirica said that his doctor felt he would be able to hold the trial by January.

Issue of Fund Control

Meanwhile, a spokesman for the Committee for the Re-election of the President declined to say whether a special cash fund had been under the control of anyone beyond those identified yesterday by Clark MacGregor, the committee chairman.

Sources close to the Watergate investigation have said that money from the fund was used to underwrite intelligence operations against the Democrats.

Mr. MacGregor denied the charge yesterday. He said that the fund had been under the control of Jeb Stuart Magruder, a deputy director of the committee; Maurice H. Stans, chairman of the Finance Committee to Re-elect the President; G. Gordon Liddy, the finance committee counsel, and one of those indicted in the Watergate case, and Herbert Porter, the re-election committee's scheduling director.

Mr. MacGregor said that John N. Mitchell also had control of the fund until he resigned July 1 was chairman of the re-election committee. He said that others might have held control but that the five were the only ones he knew about.

Florida Trial Delayed

Special to The New York Times

MIAMI, Oct. 27—After a day

of legal maneuvering, the Florida trial of Bernard L. Barker on charges of misusing his notary public seal has been rescheduled to next Wednesday. Barker, who has been indicted in the Watergate case, is accused here of "falsely and fraudulently" acknowledging the signature of Kenneth H. Dahlberg, chairman of the Minnesota Committee for the Re-election of the President, on a \$25,000 check.

The check, which Mr. Barker deposited here to his company's account, was part of a total of \$114,000 that had gone through

the Finance Committee to Re-elect the President.

Mr. Barker's trial had been scheduled to begin Monday. Yesterday, accusing his Federal and state prosecutors of violating his civil rights, he asked the Federal District Court here Peter T. Fay deferred a ruling today.

Earlier, in the Dade County Criminal Court, Judge Paul Baker postponed the opening of the trial for two days to give Mr. Barker's lawyers more time to file other motions in state courts.



United Press International

Bernard L. Barker leaving Federal Court in Miami with his attorney, Henry B. Rothblatt, left. Behind them is David Goodhart, Assistant State Attorney. Mr. Barker, a defendant in the Watergate case, is fighting a Florida charge that he fraudulently notarized a \$25,000 check.