

# Judge Asks Broader 'Bug' Trial

DEC 12-5-72

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The judge who will preside at the trial of seven men charged in connection with the break-in and alleged bugging of Democratic headquarters at the Watergate said yesterday that the trial should cover a broader area than the narrow limits the prosecution has indicated it will cover.

"This jury is going to want to know what did these men go into that headquarters for?" Chief U.S. District Court Judge John J. Sirica said. "Was their sole purpose political espionage? Were they paid? Was there financial gain? Who hired them? Who started this?"

The comments by Sirica during a four-hour pretrial conference were the first indication that the trial may explore whether the seven men charged were operating on orders from higher authorities when they allegedly conspired to break in and bug the Democratic National Committee's Watergate headquarters June 17.

In the course of the wide-ranging conference, lawyers also argued that:

- Sirica exercise some "control" over the press in order to prevent prejudicing the jury. William O. Bittman, lawyer for former White House aide E. Howard Hunt Jr., told Sirica that the press "has had a field day writing prejudicial

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articles. I think it should come to a halt and your honor has a right to stop it." Sirica indicated, over defense objections, that he would deal with the problem of trial publicity by sequestering the jury.

- The Los Angeles Times should be compelled, under the threat of contempt of court proceedings, to produce tapes and notes of an interview with Alfred C. Baldwin III, described by the defense as the government's key witness. Sirica, who made no ruling, indicated that a contempt citation was possible if the paper or its employees refused a court order to produce the materials.

According to federal investigators, the June 17 break-in was one incident in a year-long campaign to spy on and disrupt Democratic presidential campaigns on behalf of President Nixon's re-election. Besides Hunt, one other former White House aide, G. Gordon Liddy, is charged in connection with the alleged Watergate bugging. Liddy was counsel for the Finance Committee to Re-elect the President until he was fired after refusing to answer the questions of FBI agents investigating the incident. James W. McCord Jr., security director of the President's re-election committee at the time of the alleged incident, also has been charged in the indictment with Hunt and Liddy and four others.

During the hearing yesterday, Sirica asked Earl J. Silbert, principal assistant U.S.

attorney, if the government will present testimony concerning a \$25,000 check and another \$89,000 that turned up in the bank account of Bernard L. Barker, one of the seven defendants.

Silbert said the government will offer evidence on the \$25,000 check and will also trace the \$89,000, "not necessarily from its source, but part of its way."

To trace the \$89,000 fully, Silbert said, would require calling an alien to testify. The \$89,000, according to federal investigators, originated in the bank account of a Texas corporation, went to Mexico and wound up in the form of four cashier's checks in Barker's Florida bank account.

The \$25,000 check that Silbert referred to is believed to represent a \$25,000 cash contribution made by Dwayne Andreas, a Minnesota investor, who gave the money last April to Kenneth Dahlberg, Midwest Republican finance chief. Dahlberg subsequently converted the money to a cashier's check and gave it to Maurice Stans, chief national fund raiser for the President. The check later also turned up in Barker's Florida bank account.

Silbert said there will be "some evidence" concerning these funds. Sirica asked if Silbert would show the motive and intent of the evidence. Silbert said he will present testimony "from which the jury may draw a variety of motives." Silbert said that circumstantial evidence will show a "prior association" by the defendants.

Although Bittman objected that testimony about the money should not be permitted since the indictment makes no mention of it, Sirica said that "on the question of motive and intent, the government should be allowed considerable latitude."

Later in the hearing, Pittman and other defense lawyers asked Sirica to reconsider his earlier announced decision to sequester the jury. Lawyers for both sides offered estimates that the trial could take from six weeks to three months. Defense lawyers argued that the defendants would be blamed by the jury for sequestration.

Bittman argued that there is "no other reason" for sequestering the jury if the "press will exercise some restraint in this case."

Silbert responded that under "the First Amendment and the right of a free press, there is no way that the press can be restricted. . . . You can't ask the press not to print certain materials."

In October, Sirica issued a broad order drafted by Bittman and Silbert that severely restricted out-of-court statements by anyone associated with the trial. The order was criticized as too broad and too vague and Sirica relaxed it. Sirica yesterday said he would tell the jury that they were being sequestered on his own motion and he denied defense requests to simply instruct the jury not to read newspapers or watch television.

During a recess, Bittman told a reporter that he wanted Sirica to control the conduct of reporters in the courtroom. In addition, Bittman said, he wanted news stories about the trial limited to the evidence the jury actually hears. "Testimony out of the presence of the jury shouldn't be reported," Bittman said. With Sirica maintaining that the jury will be sequestered, however, Bittman said the whole question is "moot."

Sirica announced yesterday that he is making arrangements with U.S. Marshal Anthony Papa for accommodating the press.

Bittman also asked that Sirica immediately order The Los Angeles Times to turn over the tapes and notes of its interview with Baldwin, who has described himself as the man who monitored telephone calls coming in and going out of the Democratic headquarters. Bittman said that if the Times refused to produce the materials after the trial had started, appeals could delay the trial indefinitely.

Sirica asked both government and defense lawyers to present him briefs before he rules on a subpoena of the materials. Sirica said he was not threatening to hold anyone in contempt but he told a reporter that a contempt citation was possible if the Times resists a court order.