

Watergate Case Plea Shifts Hinted

1-13-72
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Chief U.S. District Judge John J. Sirica held secret conferences with the six remaining Watergate bugging defendants and their attorneys yesterday, amid indications that four of the defendants were seeking to change their plea from innocent to guilty.

No testimony at all was heard as the trial concluded its first week. There were reports that the four defendants, all from Miami, were in a clash with their attorney, Henry B. Rothblatt, who was

believed to be resisting a change in their pleas.

Early in the day, Sirica ordered that discussions in the conferences be kept secret. Rothblatt was questioned several times by groups of reporters during the day but would not go into the substance of the meeting.

He conceded, however, that he would not enter a guilty plea on their behalf. He refused comment on questions about whether his clients had made such a request, saying, "I cannot discuss any confidential communications with my clients."

Rothblatt's clients are Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio Gonzales.

They are charged in seven counts of an eight-count indictment with breaking into the Democratic National Committee's Watergate headquarters on June 17 to steal information and to conduct illegal wiretapping and eavesdropping. Two other persons, G. Gordon Kiddy and James W. McCord Jr., are now on trial with the four Miami defendants.

A seventh defendant, former White House consultant E.

Howard Hunt Jr., pleaded guilty Thursday to the six counts of conspiracy, burglary and illegal wiretapping and eavesdropping with which he was charged.

The four Miami defendants were all arrested, with McCord, inside the Democratic Party headquarters at about 2:30 a.m. on June 17. According to prosecutor Earl J. Silbert, they were wearing surgical gloves, had burglar tools, photographic equipment and bugging devices in their possession.

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If the four defendants change their plea and Sirica accepts a guilty plea, what effect, if any, the move would have on the scope of the trial is not clear. It was not known whether the prosecution would still develop the same testimony that prosecutor Earl J. Silbert outlined in his opening statement and whether the prosecution would still call the same witnesses that Silbert has announced publicly.

Court convened yesterday morning at 9:30 amid rumors that Rothblatt's clients wanted to change their pleas. Moments before Sirica took the bench, Barker approached Silbert and handed him a typed letter. Silbert passed the letter to Assistant U.S. Attorney Seymour Glanzer, a member of the prosecution team, who read it.

When Sirica entered the court, prosecution and defense lawyers immediately went to the bench and huddled in conference with Sirica for half an hour. The letter was passed to Sirica at one point in the conference.

While the lawyers were at the bench, Barker, a short, baldish man sat at the defense table biting his fingernails. Sturgis, a stocky, well-tailored man with dark skin and wavy black hair, sat near the end of the table, drumming his fingers on the varnished wood.

The four defendants talked to each other from time to time, but occasionally Barker leaned away, looking at nothing in particular.

The jury was called in briefly by Sirica, who informed the members that Silbert had a motion to argue before the Court of Appeals and that the trial would be recessed until late morning.

Rothblatt left the court with his clients, telling reporters that he wanted to speak with them. Rothblatt declined to discuss whether they were seeking to change their plea. Other lawyers declined to say what was in the letter that Barker had passed to the prosecution.

Sirica sent the jury to lunch when it became clear that Silbert's appearance before the Court of Appeals would go past noon.

Martinez, Sturgis, Gonzales and McCord had lunch together at the National Gallery cafeteria. Liddy sat at a separate table with his lawyer, Pe-

ter L. Maroulis and two women. Rothblatt sat at a third table with William O. Bittman and Austin Mittler, Hunt's lawyers. Bittman joked with reporters but gave no indication what the topic of conversation was.

Returning from lunch with his wife, Barker chatted with reporters about the Super Bowl to be played Sunday, expressing his support for the Miami Dolphins against the Washington Redskins.

Back in court, lawyers for the defense were joined by Theodore Herrera, a State Department Spanish interpreter retained by the government to ensure that Gonzales understands complicated matters in the trial. Before yesterday, Herrera had not been present after Sirica determined that Gonzales would not need an interpreter for normal court testimony.

Sirica came back on the bench at 1:45 and after a brief bench conference with all lawyers announced that he was recessing the trial in the ceremonial court room and reconvening the proceedings in his own court in secret. Warning lawyers of "some pretty strict penalties," Sirica said, "I don't want anybody to talk to anyone about anything in these proceedings."

The proceedings were reconvened in Sirica's own courtroom with deputy U.S. marshals guarding all doors to the court and heavy paper over the windows on the doors. Sirica and prosecution lawyers left the courtroom after an undetermined period of time, leaving all six of the defendants in the courtroom with their lawyers.

After about two hours, all participants in the case returned to the ceremonial courtroom and Rothblatt asked Sirica to continue the trial until Monday morning. Sirica granted the request, calling the jury in briefly and apologizing for "not being able to make any headway" all day.

Rothblatt then conducted a press conference that began on the sixth floor, continued on the elevator, in the corridor and finally ended outside the courthouse.

"Do you expect to be back in the trial on Monday?" Rothblatt was asked. "There is a possibility I may not," he replied.

Asked again if he would be in court Monday representing

his clients, Rothblatt said, "I'm not leaving the case yet."

Asked if he would allow his clients to change their plea, Rothblatt replied he had told them, "I would be the attorney in this case for trial." Did that mean, Rothblatt was asked, that he would not remain as their lawyer if their plea were anything but innocent? "That's a pretty fair assumption," he replied.

Asked if attempts were being made by his clients to secure another lawyer, "I can't discuss that question," he replied.

Asked if he denied that his clients had told him they wanted to change their plea, Rothblatt replied, "I cannot discuss any confidential communications with my clients."

He said that on one trip by Mrs. Baker, he also authorized her to stop in San Francisco to learn more about shipping practices at an Army terminal there.

"We were experiencing tremendous losses in shipping some materials," he said, "especially class six supplies—beer and whiskey. Our loss in one year alone totaled \$50 million."

Following Senate hearings on post exchange and civilian contractor scandals in Vietnam, Cole was reduced in rank to colonel and retired from the Army on July 31, 1970.