

Judge Scorns 'Bug' Defense

By Lawrence Meyer

Washington Post Staff Writer

The presiding judge in the Watergate bugging trial said yesterday that former Nixon campaign aide James W. McCord Jr.'s contention that he had a legal right to bug the Democratic Party is "ridiculous."

"Any decent American deplores this kind of conduct," Chief U.S. District Judge John J. Sirica told McCord's lawyer, Gerald Alch, "and you know it as well as I do." Sirica said he will not permit Alch to argue such a defense before the jury.

McCord, former security director for the Committee for the Re-election of the President, is on trial with G. Gordon Liddy, also a former committee official, on charges of conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the June 17 break-in at the Democratic Party's Watergate offices.

Five other men, including former White House aide E. Howard Hunt Jr., have pleaded guilty to the charges.

Alch announced last week that he would attempt to argue, under the theory of the "law of duress" that McCord had a legal right to bug the Democrats. Alch defined the theory as holding: "If one is under reasonable apprehension, regardless of whether he is in fact correct, he is justified in breaking a law to avoid case violence directed at Re-

the greater harm — in this publican officials up to and including the President."

Sirica dismissed the jury after completing testimony for the day and then asked Alch to argue the matter. After listening to about five minutes of argument from Alch, Sirica interrupted and delivered a long statement, which he then said was his ruling in the matter.

"If we ever instructed the jury along those lines," Sirica said, "anybody could come in and put up a defense like that." If McCord was worried about violence, Sirica said, "All he had to do was pick up the telephone and call the head of the Secret Service, or the FBI or the chief of police and say, 'Now look, I'm the chief of security for the Committee for the Re-election of the President. We've got certain information the President is in danger.'"

McCord, Sirica said, "elected to take the law into his own hands." Noting that he is a Republican himself, Sirica said, "The Republican National Committee is just another political organization. They don't have all the rights in the world you know—the right to hire somebody to go into a place like the Democratic National Committee and bug that committee."

Sirica summed up his opinion by saying, "If this kind of defense were permitted in this kind of case — well, I just think it would be ridiculous."

Sirica then told Alch that was the ruling of the court and that it would not be necessary for the government to argue the point. When Assistant U.S. Attorney Seymour Glanzer asked to be heard, Sirica permitted him to argue briefly, cut Glanzer short and told him, "You've won your point."

Alch asked if he would be permitted to argue that McCord, who was arrested with four others inside the Watergate June 17, had no criminal intent. "You may argue it," Sirica replied. "Whether the jury believes you is a different story."

Sirica's comments came at the end of the day, after the jury had heard testimony from 11 witnesses, most of whom were called simply to identify items that were introduced as evidence in the case. The jury also heard a number of stipulations read to it after defense and prosecution lawyers agreed on certain facts in order to save time.

Sirica also announced that he expects the government will conclude its case by Monday and that the trial will be over by the end of next week or the following week.

* Detailing of stipulations may have been crowded out by news of Vietnam peace settlement and death of LBJ.