

Judge Blasts a Bugging Defense

Washington

The judge in the Watergate trial yesterday accused one defendant of taking the law into his own hands by breaking into Democratic party headquarters last year and said it was "ridiculous" to claim he sought to protect President Nixon.

After sending the jury out of the courtroom, U.S. District Judge John J. Sirica made the statements while rejecting James W. McCord Jr.'s request to build his defense around the argument

that he waged political espionage against the Democrats to guard the President and other top Republican officials.

McCord, security chief for Mr. Nixon's re-election committee at the time of the June 17 break-in, and G. Gordon Liddy, then the committee's finance counsel, are charged with conspiracy, bugging and wiretapping at the Watergate offices of the Democratic national committee.

"He (McCord) had a hundred different ways to notify the authorities of his

fears," Sirica said. "But no, he elected to take the law into his own hands and said: 'I'm going into the Democratic headquarters. I'm going to tap those phones. I'm going to bug it.'"

Sirica added: "I happen to be a Republican but any decent American — Republican or Democrat—deploras this kind of conduct. And you know it as well as anybody else. I try never to let the jury know how I feel, but after all, we judges are human... It doesn't take a whole lot of common sense to come to the conclusion if this kind of defense were

presented to the jury — well, I just think it would be ridiculous, frankly, speaking bluntly."

McCord's lawyer, Gerald Aich, stunned by Sirica's barrage, nonetheless urged him to allow presentation of the so-called "defense of duress."

"All I am asking for is the opportunity to argue this to the jury," Aich said. "If the jury feels the same way you do, they can disregard it."

"I don't think you're entitled to this defense in this case," Sirica said firmly.

"That's the ruling of this court."

Sirica, noting that McCord is a former FBI and CIA agent, said he knew what he was doing when he broke into the Democratic offices last year. Four other men arrested with McCord and a one-time White House consultant already have pleaded guilty as charged. Four are in jail and the fifth is free on \$100,000 bond.

Court was adjourned a short time later until Friday because of former President Johnson's death.

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