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Judge Reads Private Testimony to Jury

Finance Committee Fined $8,000

Watergate Mistrial Denied

By Laurence Meyer
Washington Post Staff Writer

Chief U.S. District Judge John J. Sirica, despite objections from both prosecution and defense attorneys in the Watergate bugging trial, read to the jury yesterday portions of testimony he had previously heard with the jury not present.

Sirica explained before reading the testimony—given by the former treasurer of the Nixon re-election committee, Hugh W. Sloan Jr. that he was doing it to help the jury decide whether Sloan was telling the truth.

Sloan's questioning by Sirica on Wednesday represented the second time the judge had intervened in the examination of a witness. Sirica has asserted his right to question witnesses when he says he believes "all the facts have not been developed by either side."

Before and after he read Sloan's testimony to the jury, Sirica clashed with Peter Maroulis, attorney for defendant G. Gordon Liddy. Maroulis asked Sirica to declare a mistrial on the grounds that the judge's reading of Sloan's testimony would give it undue weight in jurors' minds.

Sirica denied the motion, tacitly conceding that he was giving the defense grounds to argue for reversal on appeal if Liddy is convicted. "I exercise my judgment as a federal judge and as the chief judge of this court, Sirica said. "As long as I'm a federal judge I'll

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WATERGATE, From A1

ontinue to do it. I could care less what happens to this case on appeal. I'll continue to do what I think is right at the moment.

"Your client is smiling," Sirica said, referring to Liddy. "He's probably not impressed by what I'm doing either. I don't care what he thinks, either."

Earl J. Silbert, principal assistant U.S. attorney and chief prosecutor in the trial, told Sirica he would rather recall Sloan and let the jury hear it "from the lips of Mr. Sloan directly."

"No," Sirica replied, "Mr. Sloan might have a lapse of memory."

Sirica then called the jury in and read to it the testimony he elicited from Sloan Wednesday while the jury was not present. Sloan had testified about approximately $199,000 in re-election committee campaign funds he had turned over to Liddy.

Liddy is standing trial along with James W. McCord Jr., another former official of the Committee for the Re-election of the President. Both are charged with conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the June 17 break-in at the Democratic National Committee's Watergate headquarters. Former White House consultant E. Howard Hunt Jr. and four other men pleaded guilty in the trial that ended its third week yesterday.

Sloan's testimony Wednesday while the jury was out differed from his testimony before the jury in several key respects:

- Sloan gave a different account of what Liddy had said to him only hours after metropolitan police had arrested five men, including McCord, inside the Watergate.
- Sirica pressed Sloan to explain how $199,000 could have been given to Liddy without any apparent accounting to Sloan as to how the money was being used.
- Sloan told Sirica he had quit the re-election committee because of the Watergate incident.

Silbert told Sirica yesterday before the jury was brought in that "there was nothing in Mr. Sloan's testimony that was a surprise to us or that we did not know." But Sirica's examination of Sloan went beyond the point whree Silbert indicated Wednesday that he himself wanted to end his questioning of Sloan.

Maroulis did not cross-examine Sloan on Wednesday. He said yesterday that he decided against doing so to avoid reinforcing Sloan's testimony in the jurors' minds.

In the jury's presence on Wednesday, Sloan said he had seen and briefly spoken to Liddy the morning of June 17 in the committee's offices. "I ran into him in the hall just outside of his office," Sloan recalled. "He was obviously in a hurry . . . He said to the best of my recollection, 'My boys got caught last night. I made a mistake. I used somebody from here, which I said I'd never do. I'm afraid I am going to lose my job.'"

When Sirica questioned Sloan, he gave this account: "To the best of my recollection," Sloan said, "what he (Liddy) indicated was: 'My boys were caught last night. I made a mistake by using somebody from here which I told them I would never do. I'm afraid I'm going to lose my job.'"

Sloan was not asked whether he knew who Liddy meant by "them." Sloan is known to have given this same account of the conversation with Liddy during earlier interviews with federal investigators.

Sirica also drew from Sloan testimony that he had verified with finance chairman Maurice Stans and campaign chairman John N. Mitchell that deputy campaign director Jeb Stuart Magruder had authority to disburse to Liddy committee funds that eventually totaled $199,000.

Sloan had testified before the jury that he had turned over $199,000 to Liddy. "What was the purpose of turning $199,000 over to Liddy?" Sirica asked out of the jury's presence.

"I have no idea," Sloan replied.

Sirica: You have no idea?

Sloan: No, sir.

Sirica: You can't give us any information at all?

Sloan: No, sir. I was merely authorized to do so. I was not told the purpose.

Sirica: Who authorized you to turn the $199,000 over to Mr. Liddy in cash?

Sloan: Jeb Magruder.

Sirica: For what purpose?

Sloan: I have no idea.

Sloan said he did not question Magruder about the purpose of the expenditures. "I verified with Mr. Stans and Mr. Mitchell that he (Magruder) was authorized to make those," Sloan said.

"You verified it with who?" Sirica asked.

"Secretary (former Secretary of Commerce) Stans, the finance chairman, and I didn't directly but he verified it with John Mitchell, the campaign chairman," Sloan said.

Sirica: This $199,000 could be turned over to Mr. Liddy is what you are saying?

Sloan: Not the specific amount, but Mr. Magruder, his authorization was authorization enough to turn over the sums in question.

Sirica: Did anybody indicate to you by their action or by words or deed what this money was to be used for?

Sloan: No, sir.

Sirica also asked Sloan a question that had not been asked by Silbert in questioning Sloan, Magruder or committee scheduling director Herbert L. Porter, who testified he gave Sloan about $35,000:

Sirica: You don't know what Mr. Liddy used it (the money) for?

Sloan: No, sir.

Sirica: No idea?

Sloan: No, sir.

Sirica: He was never questioned by you or anybody else what he did with the $199,000?

Sloan: No, sir.

Silbert told the jury in his opening statement that of the approximately $235,000 given to Liddy by the re-election committee, the prosecution can account for only $50,000.

Before Sirica read Sloan's testimony to the jury, Silbert told the judge that the "intensive" investigation that led to the Watergate indictment found that "Sloan had no possible remote connection, direct or indirect," with the Watergate incident.

Assistant U.S. Attorney Seymour Glanzer pointed out to Sirica that Sloan had been interviewed by the FBI and had testified before the grand jury. Iniviting Sirica to read the grand jury minutes, Glanzer said, "Every conceivable aspect of this case was gone into."

"I'm only concerned with the testimony in the courtroom," Sirica replied. "I don't think it's up to me to be concerned with what goes on in the grand jury. I'm not interested in that."

Included in what Sirica read to the jury was a conference held by prosecution and defense lawyers at the bench. Liddy's lawyer, Maroulis, in arguing for a mistrial, said Sirica's revelation of what was said during the bench conference made him wary of discussing poins at the bench "for fear they will later be read to the jury."

Sirica again denied Maroulis' motion for a mistrial. Quoting another federal judge, Sirica said, "Any federal judge who makes a decision with one eye on what the Court of Appeals might do ought to get off the bench."