

Watergate Defendants' New Story

Washington

Four of the original Watergate defendants, complaining that high government officials deliberately lured them into crime and let them languish in jail, asked yesterday to have their convictions set aside.

The four men, all from the Miami area, contended that they had been misled into believing the Watergate bugging was "sponsored and approved by a legitimate federal government intelligence agency" and had presented no defense for fear of exposing "secret, confidential and sensitive national security operations of which they were apart."

The four conspirators — Bernard L. Barker, Frank A. Sturgis, Virgilio R. Gonzalez and Eugenio R. Martinez — asked the U.S. District Court to vacate the judgements of conviction entered after they pleaded guilty last January and to let them withdraw their guilty pleas.

"Events since the time the

Back Page Col. 4

From Page 1

guilty pleas were entered have demonstrated that the entire judicial proceedings in this matter were tainted by a massive fraud whose intended victims were the public, the prosecutors and this court," said the motion.

"These defendants were not the perpetrators of this fraud but were among its victims. In some respects they have suffered the most . . . (they) have had their lives shattered due to an unconscionable deception that

appealed to their patriotism.

"They have been incarcerated for ten months without having had an opportunity to defend themselves because the perpetrators of this fraud did not have the decency to dispel these defendants' false beliefs, but, in-

stead, deliberately continued to reinforce the deception practiced on them."

CLOAK

The motion said that the men were guilty of no crime because they had believed their actions were under the cloak of national security.

Their guilty pleas, it said, were "the product of a blind and ignorant loyalty fostered in these defendants' minds by deceptions practiced on them by others who purported to act under color of a higher law."

There was no immediate response from chief U.S. District Judge John J. Sirica, who handled the Watergate case and who accepted the guilty pleas of the four men eight months ago.

The four were arrested June 17, 1972, at the Watergate offices of the Democratic National Committee along with James W. McCord Jr., then security chief for the Nixon campaign. McCord was convicted for the plot last January and is awaiting sentencing.

Although they denied to Sirica in January that they had been pressured into pleading guilty, their motion filed yesterday told a different story.

"The pleas were premised on false assumption which had been fostered on them by others, including co-defendant E. Howard Hunt and, ultimately, high officials in the executive branch of the government," said the motion, filed by their attorney, Daniel F. Schultz.

Further, it said, the Miamians had been directed to plead guilty to avoid "the exposure of secret, confidential and sensitive national security operations of which they were a part."

PLEAS

The four said their guilty pleas were entered "in the continuing belief that national security interests precluded them from disclosing the nature of their activities and from asserting their defenses to the charges."

Hunt was a former White House aide and CIA agent regarded as a hero in the Cuban exile community in which the four Miami men were active. He recruited them for the Watergate bug-

ging team. He also initially pleaded innocent to a six-count indictment but pleaded guilty January 11, three days after the trial began.

The Miamians said they "interpreted Hunt's action . . . as a directive to them to follow the same course of action" in keeping silent about the Watergate mission.

Hunt is serving a provisional 35 - year maximum sentence. All are being held at the federal penitentiary at Danbury, Conn.

At the time the Miami four pleaded guilty, their attorney, Henry B. Rothblatt, hinted they were under pressure to do so. When Rothblatt balked at entering their guilty pleas, they fired him.

United Press