

Watergate Burglars Seek to Shift Pleas

By Timothy S. Robinson
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Four Miamians told a federal judge here yesterday they had entered guilty pleas in the original Watergate break-in because they felt they were under pressure to do so from coconspirator E. Howard Hunt and "high officials of the executive branch of government."

The men told the judge also that they had participated in the break-in only because they had been told it was a legitimate government intelligence operation and had entered their pleas of guilty out of concern for "national security."

The four men asked that the judge allow them to withdraw their guilty pleas and face a jury trial. They had entered the pleas to charges of conspiracy, burglary, illegal wiretapping and eavesdropping charges.

The guilty pleas "were false and involuntarily entered under the force and compulsion of a belief that the necessity to protect national security interests precluded them from asserting the defenses they had..." the request said.

"The pleas were premised on false assumptions which had been fostered on them by others, including codefendant E. Howard Hunt (who pleaded guilty before them) and ultimately, high officials in the executive branch of government," it continued.

The motion was filed by attorney Daniel E. Schultz on behalf of Watergate coconspirators Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio R. Gonzales.

U. S. District Chief Judge John J. Sirica, who presided over the trial, has the option of holding a hearing before acting on the motion. A spokesman in his office said no decision on a hearing had been made yesterday afternoon.

Sirica reluctantly accepted the pleas of the four defendants at the start of the Watergate trial on Jan. 15 after try-

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ing to elicit new information from them about their motivation and payment for the break-in and bugging at Democratic National Committee headquarters.

Hunt has not sought to withdraw his plea.

The motion on behalf of the Miamians said their participation in the break-in was "the product of a blind and ignorant loyalty fostered in these defendant's minds by deceptions practiced on them by others who purported to act under color of a higher law."

According to yesterday's motions, the defendants thought at the time of their sentencing that they "were engaged in a clandestine operation sponsored and approved by a legitimate federal government intelligence agency."

As a result, they had interpreted Hunt's plea of guilty as a directive to them to plead guilty as well, it continued.

Since it was later shown that the Watergate was "purely political in nature," the defendants were "the victims of a cruel fraud initially perpetrated on them to obtain their participation in the activities (and) perpetuated in order to safeguard against these defendants disclosing what little information they did know with respect to the engaged."

Their attorney said in the motion that there are at least two defenses that could be raised in his defendants' behalf if they are permitted a activities in which they had jury trial.

The first is that the four men were only following orders and therefore there is no "essential element of criminal intent."

Secondly, the defense of entrapment could be raised because the persons who hired the four men "apparently

were not only officials in a political party but were also officials in the executive branch of government."

"Events since the time the 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," the motion said.

In addition, the four defendants were termed in the motion the ones who "have suf-

fered the most" as a result of the break-in. "(They) have had their lives shattered due to an unconscionable deception that appealed to their patriotism," according to the motion.

The four Miami residents were provisionally sentenced by Judge Sirica this March to a maximum of 40 years in prison plus \$50,000 in fines each.

However, he stressed repeatedly that their final sentences could be lighter if they cooperated with prosecutors investigating the Watergate.

The four men have aided prosecutors, and were expected to be sentenced in about a month.

Suit Seeks to Bar Watergate Hearings

The National Citizens Committee for Fairness to the Presidency filed suit in U.S. District Court here yesterday in an attempt to halt public hearings by the Senate Watergate Committee.

The group said it was filing the suit on behalf of all of the citizens of the U.S. because the hearings "have deliberately and inequitably disrupted the domestic tranquility of the U.S. by undermining the confidence of citizens... in the integrity of the administration of the Department of Justice and the (nation's) judiciary."

According to papers filed with the suit, the hearings are often repetitive. Various members of the committee often ask the same question of the same witness, "often with considerable attendant theatrics, so the cost of obtaining information through public hearings is substantially greater than if it were gathered by staff interviews or in closed sessions," the fairness

group said.

The group, which is headquartered in Rhode Island and claims 40,000 members, also strongly criticized the committee's method of operation.

For example, witnesses are allowed to make statements based on hearsay that allege criminal acts by others, but the person accused does not have a right to question the witness about such charges, the group said.

The senate hearings are scheduled to begin again Sept. 24. The fairness group asked for an expedited hearing on its suit.