

Hunt Asks to Switch His Plea

By Timothy S. Robinson
Washington Post Staff Writer

Attorneys for convicted Watergate conspirator E. Howard Hunt, describing their client as "an honorable man whose sense of patriotic duty carried him too far," have asked the U.S. Court of Appeals to allow him to withdraw his guilty plea in the original Watergate break-in case.

Such an attempt was rejected on the lower court level by U.S. District Chief Judge John J. Sirica, who came in for severe criticism by Hunt's attorneys in the appeals court brief they filed.

"The approach taken by the District judge toward the present case has been, as we see it, more that of a crusading district attorney than that of a judge whose duty is to justice between the parties in the case," Hunt's attorneys said.

In asking that the case specifically be assigned to another District judge if the appeals court allows Hunt to withdraw his plea, the attorneys added:

"Although this approach has won for (Judge Sirica) great acclaim in some quarters, we believe . . . that a departure from that evenhanded justice which is the tradition of Anglo-American law is too high a price to pay for the discovery of a particular crime, or indeed, series of crimes," the brief asserted.

Sirica erred when he refused to accept a plea-bargaining agreement worked out between Hunt and the original Watergate prosecutors, Hunt's attorneys said in their brief. The prosecutors had agreed to allow Hunt to plead to three counts of a seven-count indictment, but Judge Sirica rejected that agreement and

Hunt entered pleas to all counts.

The attorneys also contended that Sirica erred when he sentenced Hunt and other Watergate defendants to provisional terms pending their cooperation with the ongoing Watergate probe. Hunt was finally sentenced to a term of from two and one-half to eight years, and is free pending this appeal.

"Nothing in the statutory language (of provisional sentencing) suggests that the statute was to be used as a means of forcing the prisoner to talk," Hunt's attorneys said.

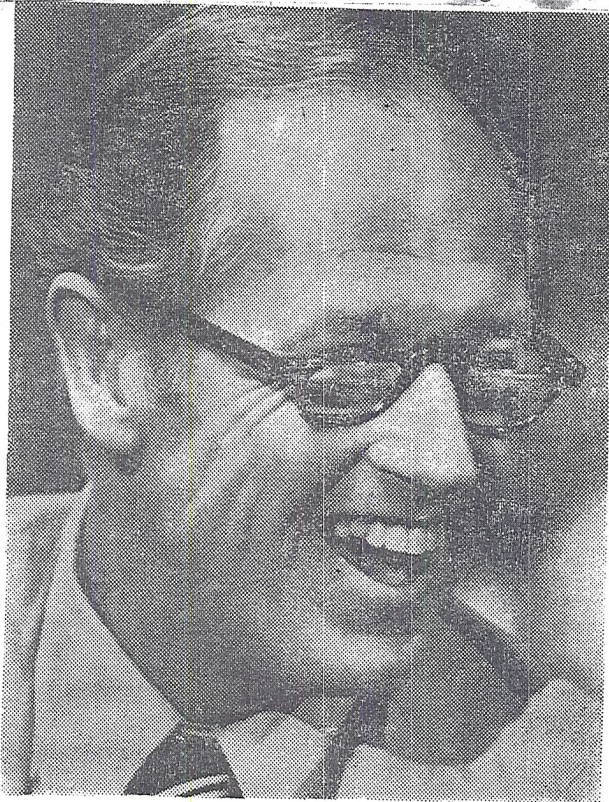
In fact, contended his attorneys, there was "no justification for any prison sentence at all. (Hunt) engaged in the forbidden conduct not from any motive of personal gain, but because of a misplaced sense of patriotic duty."

Hunt renewed before the appeals court his contention that the Watergate break-in was a government-approved

operation and that the government prevented him from asserting a defense against the crime.

"... The government did everything possible, including the commission of perjury and the destruction of evidence, to make proof of his status as a government agent impossible," the attorneys said.

The government's conduct was "so outrageous that the judgment should be reversed and the indictment dismissed," they asserted.



E. HOWARD HUNT
... wants new trial