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1962 NIXON TACTIC WAS HELD ILLEGAL

Postcards Purportedly Sent by Democrats Were Used to Raise Funds for G.O.P.

Special to The New York Times

SAN FRANCISCO, Oct. 27.—Court records here show that in 1962, Richard M. Nixon and his aide, H. R. Haldeman, personally approved a direct mail campaign later found illegal in a lawsuit brought by Democrats.

The case involved the mailing of 500,000 postcards, purportedly sent by Democrats, to conservative Democrats during the governorship campaign in which Mr. Nixon was defeated by then Gov. Edmund G. Brown.

Superior Court eventually held that the postcards used misrepresentations to gain votes and money for the Nixon campaign. The mailing was financed by \$70,000 paid by the Nixon for Governor Finance Committee.

The Democratic State Central Committee obtained from Judge Byron Arnold a temporary restraining order against the mailing Oct. 22, 1962, and a preliminary injunction 13 days later. Two years later the judge issued a final decision and made the injunction permanent.

Although the 1962 lawsuit was publicized here, the 1964 decision received little if any attention in the media. It was discussed this week in The National Observer.

Judge Arnold said the postcards and subsequent statements concerning them contained several misstatements and falsehoods.

The postcard depicted Governor Brown as a prisoner of the "ultra liberal" California Democratic Council, the state's largest grass roots campaign organization.

'Approved by Mr. Nixon'

According to the postcards, Democrats were "frankly revolted" by the group's favoring admission of Red China to the United Nations, a war on nuclear testing, speeches by subversives on college campuses, and foreign aid to Communist countries.

Recipients were asked to send contributions and return public opinion poll stubs. Subsequently, press releases were issued stating that "Nine out of 10 regular Democrats flatly reject the 'ultra liberal' California Democratic Council."

Defendants in the lawsuit were the Committee for the Preservation of the Democratic Party in California, the nominal mailer, and a group of Republican publicists.

In his decision, Judge Arnold said, "This postcard poll was amended and finally approved by Mr. Nixon personally in the form attached hereto as Exhibit A."

At another point, the judge said, "Mr. Nixon and Mr. Haldeman approved the plan and project as described above and agreed that the Nixon campaign committee would finance the project."

The decision stated that bills in connection with the mailing were sent to Mr. Haldeman as Mr. Nixon's campaign manager.

Postcard recipients the judge said, were told that funds sought were for the Democratic party when "in truth and fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon for Governor of California."