

GOP Loses Bid to Delay Bugging Suit

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A federal judge yesterday denied a request by President Nixon's re-election committee to delay the Democrats' \$1 million civil suit in the Watergate "bugging" case until after the November election.

U.S. District Court Judge Charles R. Richey ruled against the Committee for the Re-election of the President, which had argued that court hearings on the raid on Democratic National Committee Headquarters could cause "incalculable" damage to the Nixon campaign.

Edward Bennett Williams, attorney for the Democrats, said the ruling "gives us the green light to go forward" and take statements from John N. Mitchell, the former attorney general and past head of the Nixon re-election committee, and Maurice Stans, the chief Nixon fund-raiser.

Meanwhile, Sen. William B. Proxmire (D-Wis.) called on the President yesterday to appoint an independent, bipartisan commission to investigate the Watergate incident and issue a report within 30 days. If the President fails to do so, said the senator, he will ask the Senate to order such an investigation.

Responding to Proxmire's call, Senate Minority Leader Hugh Scott (R-Pa.) said he could not support such an investigation "unless we keep it out of the political arena" by ordering the investigators to report after the November election.

In announcing that he plans to question the former Attorney General and Secretary of Commerce about the incident, attorney Williams said that any statements by Mitchell and Stans would almost certainly be made public.

The two former Cabinet officers have denounced the ap-

parent bugging attempt but have not made detailed public statements or allowed themselves to be questioned about it by reporters.

According to Judge Richey's ruling, Mitchell, Stans—and for that matter any other individuals from whom the Democrats would want to take statements—could keep their statements secret only by petitioning the court.

To do this, they would have to effectively say they are potential defendants in a separate criminal case stemming from the Watergate incident, according to Williams.

Richey's ruling requires that the statements of eight men, including the five arrested in the incident, be sealed with the court and kept secret until completion of criminal proceedings in the case.

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One of the other three men is E. Howard Hunt Jr., a former White House consultant who had numerous telephone conversations with one of the suspects before the Watergate incident June 17.

The other two men are special counsel to the President; Charles W. Colson, who was instrumental in getting Hunt hired at the White House, and Alfred Wong, chief of Secret Service technical security at the White House.

Wong has acknowledged that he recommended suspect James W. McCord Jr. for the post of security coordinator of the Nixon re-election committee. McCord has been fired from that post and is free on bond with the other four suspects.

Kenneth W. Parkinson, attorney for the Nixon committee, said, "We have to carefully study the opinion to determine all its implications." He declined to indicate whether he will petition the court to keep the statements of other present or former Nixon committee officials secret.

Judge Richey said all defendants in the suit will have 20 days more to file additional motions in the \$1-million civil case.

Williams, the Democrats' attorney, said: "We can't get a trial before the election. We can't possibly move that fast . . . but it doesn't mean anything."

He said the Democrats' purpose is not to recover money damages but to open the case to the public view.

A federal grand jury has been investigating the Watergate incident for weeks. Should indictments be made, it is unlikely that a criminal trial would be held before the November election.

In making his ruling yesterday, Judge Richey said that both the Democratic National Committee and the Nixon re-election committee are "unincorporated associations" and therefore do not have the legal status to sue or be sued.

He therefore dropped both committees from the suit but allowed the civil action to remain with former Democratic National Committee chairman Lawrence F. O'Brien acting as an individual against the five men arrested in the case.

In addition, Richey said that O'Brien may amend his suit and name other defendants.

It is on this basis that Williams said he would name and be able to take statements from former Nixon cabinet officers, Mitchell and Stans.

Williams said he plans to take statements from "a lot of other people," and that he would make public a list of those people on Monday.

"We're going to take their testimony and take it fast," he said.

In calling for an independent commission to investigate the Watergate incident, Sen. Proxmire said it is necessary "to make certain that the administration, which has an overwhelming conflict of interest, does not sweep this matter under the rug or delay it until after the November elections."

Proxmire said in a speech on the Senate floor that the two members should be given access to all material turned up by federal investigators. They would also recommend whether a special prosecutor should be named to handle the case to its conclusion, Proxmire said.

He said that if the President does not appoint the commission, he, himself, will introduce a resolution that the Senate name its own investigative commission.

Proxmire proposed that former Sen. John J. Williams, a Delaware Republican known for his anticorruption investi-

gations, and former Supreme Court Justice Arthur Goldberg, a Democrat, be appointed.

Precedent for such a commission, Proxmire said, can be found in 1924 when President Calvin Coolidge appointed two men to investigate the Teapot Dome land scandal in which the attorney general at the time was involved.

In addition, Proxmire said, President Wilson in 1918 appointed a former Supreme Court Justice to handle the investigation of defective airplanes bought by the War Department.

Concerning the Watergate incident, Proxmire said:

"Former key administration officials, particularly former Commerce Secretary Maurice Stans, a number of former White House aides and consultants, as well as a number of people connected with the Nixon campaign committee, are directly involved.

"Yet this matter is being investigated by the Justice Department whose head, Mr. Richard Kleindienst, is one of the President's most partisan and loyal lieutenants and whose predecessor and former boss, John Mitchell, headed the Nixon campaign committee."

Proxmire said the matter is being investigated by "Mr. L. Patrick Gray III, who has just been appointed by the President as acting director of the FBI; and by a U.S. attorney (Harold Titus) who is ap-

pointed by and serves at the pleasure of the President."

"Even now key facts have been suppressed, high officials including Mr. Stans have failed to make any public statement or explanation, and the matter has been locked up and declared 'under investigation' by the investigating officials who owe their position and power to the President, the White House staff, and the Republican Party."

A spokesman for Sen. Scott of Pennsylvania, the Republican leader in the Senate, said that "any investigation that is made should be made as non-partisan as possible" and that the senator believes Goldberg and Williams would be good choices for the job.

However, the spokesman said Scott believes Proxmire's suggestion for a 30-day investigation is unworkable because the results would be a report issued "in the mid-part of the presidential campaign."

"The senator says, 'Why not make an investigation and report back on Dec. 30,' " the spokesman said, adding that the minority leader believes such a date would make the investigation "nonpolitical." He added:

"As a former Republican chairman, Sen. Scott emphasizes the point that whoever did whatever they did down there at the committee ... should be dealt with severely, should be fired and criminal charges should be filed against whoever these individuals are."