

# Judge Seals Watergate Testimony

§ 23.72  
By Jim Mann  
and Bob Woodward

Washington Post Staff Writers

U.S. District Court Judge

Charles R. Richey held yesterday that all pretrial testimony in the Democrats' Watergate break-in suit must be kept under seal and withheld from the public.

The ruling makes it improbable that the sworn statements to be taken of Nixon administration and campaign officials—including former Attorney General John N. Mitchell and campaign finance director Maurice Stans—will be made public until after the Nov. 7 presidential election.

Richey said he felt secrecy is necessary to protect the constitutional rights of persons who are or may later be charged in criminal proceedings in the June 17 incident at the Watergate.

"I don't intend to keep the seal for one minute longer than necessary to protect someone's constitutional rights," the judge said.

A federal grand jury has been investigating the break-in of Democratic headquarters since shortly after the incident occurred, and it is expected to return indictments soon.

Richey said yesterday that he thought it was possible that some of the persons not yet charged in the case will be indicted by the grand jury. For that reason, he said, he had decided to keep all testimony in the Democrats' \$1 million civil suit against the five break-in suspects under seal until after the grand jury completes its investigation.

Afterwards, he said, he will be willing to make public the testimony of those persons who are not criminally charged, "as long as it has no bearing on the criminal investigation."

The lawyer for the five persons arrested inside the Watergate, Betty Thompson, argued that this would prove impossible, since whatever testimony is taken in the civil suit "would be . . . inter-

See WATERGATE, A17, Col. 1

## WATERGATE, From A1

twined with the whole (criminal) case."

Richey's ruling amounted to a shift in position from a ruling only 11 days ago. On Aug. 11, while ruling against requests to delay the civil suit until after the November election, the judge held that the statements of only the eight specific persons (including the five who were arrested) be kept under seal.

Yesterday's ruling applies to everyone, including Mitchell and Stans.

Neither Mitchell and Stans nor anyone else ever formally asked Richey to seal all the testimony in the case. Instead, the judge ruled on his own accord in a response to a rather routine motion by the Democrats regarding the appointment of court reporters.

"I hope the time comes when the facts in this case are spread across the newspapers," Richey told the lawyers. "If there's something wrong, it ought to be exposed."

He said he must "tread a middle line" between giving the Democrats the relief they request and protecting individual constitutional rights.

The Democrats' attorney, Edward Bennett Williams, told Richey he disagreed with the ruling. In the many sensitive court cases he has handled, Williams told the judge, "I have never had depositions sealed for the reasons given in this court."

Williams said there has been "a very deliberate effort to conceal the nature of the facts" regarding the bugging. He told Richey his order would be counterproductive and would serve to focus additional attention on the case.

During the court hearing yesterday, Richey also ruled that telephone records that have been subpoenaed by the Democrats for a number of offices and homes (including Mitchell's Watergate apartment) also must be kept secret and not publicly disclosed.

Attorney William O. Bittman, who represents former CIA and White House consultant E. Howard Hunt, attempted to persuade Richey that it was an "invasion of privacy" for the phone records to be released, and asked that the records be withheld even from the Democrats. But Richey denied that request.

In a related matter, President Nixon's re-election committee issued a statement denying a report in yesterday's editions of The Washington Post about alleged violations by the Nixon committee in handling nearly \$500,000 of campaign funds.

The article quoted reliable sources as saying that the General Accounting Office, the investigative arm of Congress, has discovered violations in reporting of Nixon campaign contributions and expenditures.

In denying this, Paul E. Barrick, treasurer of the Nixon committee, said that the committee has "sought diligently to comply with each requirement" of the new campaign disclosure act.

He said that all reports have been filed correctly and completely. "This committee has never been advised that any irregularities have been alleged by government officials," Barrick said.

The GAO yesterday was still preparing its report on the audit, which was ordered following disclosure that a \$25,000 Nixon committee campaign check was deposited in the Miami bank account of one of the five men arrested in the Watergate incident.

Early yesterday, GAO officials said the report would be issued in the afternoon. However, it was again delayed, as it was last Friday when officials said they first expected it to be released.

Sources close to the investigation said that the report would be critical of the handling and reporting of several hundred thousand dollars of campaign funds.

As reported yesterday, the sources said that all the alleged violations may not be made public due to some uncertainty about the new disclosure law.

The question seems to turn on the April 7 date the new law took effect. The GAO officials feel that any contributions received in hand after that date must be reported, the sources said.

The Nixon committee is expected to argue that some of the funds in question actually were collected prior to April 7 and do not have to be reported even though contribution checks were received after that date.