

# Watergate Civil Suit To Continue: Richey

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U.S. District Court Judge Charles R. Richey yesterday permitted the Democrats to file an amended version of their damage suit in the Watergate break-in case, but excluded as defendants in the suit the five men arrested inside the Democrats headquarters here.

The effect of Richey's ruling yesterday was to keep alive the Democrats' suit but to eliminate the five original defendants.

The amended suit names as defendants two former White House aides, G. Gordon Liddy and E. Howard Hunt Jr., indicted last Friday along with the five other men in connection with the break in at Democratic National Headquarters in the Watergate Office Building. In addition, the Committee for the Re-Election of the President, Nixon campaign finance chairman Maurice Stans, and former committee treasurer Hugh W. Sloan Jr. are named as defendants. The suit asks \$3.2 million in damages.

The Democrats responded yesterday by filing a notice that they intend to appeal Richey's ruling to the U.S. Court of Appeals. Preparations were being made late yesterday to try to have the appellate court hear the Democrats' appeal by the end of the week.

Joseph A. Califano Jr., one of the Democrats' lawyers, said the appeal was being made because the five original defendants "are clearly, in our judgment, responsible" and because they are "appropriate defendants." The five defendants are James W. McCord, Bernard L. Barker, Virgilio R. Gonzales, Eugenio R. Martinez and Frank R. Sturgis. All five were arrested inside the Democrat's Watergate headquarters June 17.

Richey dismissed the original suit on the grounds that the Democrats failed to meet a deadline for opposing a motion by the five defendants for dismissal. At the same time,

however, Richey allowed the Democrats to file their amended suit, explaining that the court "must always endeavor to be pragmatic and practical."

Richey gave Liddy and Hunt 20 days in which to respond to the amended suit, making it more difficult for the case to come to trial before the Nov. 7 general election. Richey reiterated yesterday that he is "anxious to have these cases brought to trial at the earliest possible moment."

Richey scheduled a pre-trial conference, closed to the public, for this morning. He plans to discuss with all lawyers involved questions he raised in his stated effort to expedite the Democrats' suit and two counter suits filed by Stans.

The Democrats filed a request yesterday with Richey that a representative of the Attorney General be requested to attend the conference. The Democrats' motion said they would like the Attorney General to provide "physical and documentary evidence in his possession" as a result of the criminal investigation of the Watergate break-in. To expedite the trial and bring full disclosure of the facts, lawyers for the Democrats said, "the Attorney General's Iron Curtain of secrecy must be lifted."