

Bugging Trial 'Impossible' Before Nov. 7

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U.S. District Court Judge Charles R. Richey said yesterday that "it will be impossible" to bring the Democratic Party's civil suit in the Watergate bugging case to trial before the Nov. 7 presidential election.

At the same time, Richey said he will extend his order halting all depositions until the seven men charged in a criminal indictment have been

tried in connection with the June 17 break-in at Democratic National Committee headquarters.

Richey's announcement virtually rules out the disclosure in court of any significant new information about the Watergate case before the election.

Lawyers for both the Democrats and Republicans said they agree with Richey that a trial before the election is impossible.

Richey made his comments in court following about five hours of closed conferences with lawyers in the case. Richey said: "It has become patently obvious to the court today that the court's wish to have these cases brought to trial before the election is impossible."

In addition to the Democrats' suit, the Republicans have filed two countersuits. Richey's decision affects all three.

Turning to the depositions, which Richey halted Sept. 12, he said, "They must be stayed and not taken." Rules of civil procedure allow wider boundaries for questioning than rules of criminal procedure, Richey said.

If depositions were allowed to be taken, even under a court seal as has been the case with eight depositions already given, "it might well turn out to subvert the rights of the public to have that case prosecuted successfully," Richey said. "It might also subvert

the rights of the accused in this proceeding to a fair trial."

Joseph A. Califano Jr., one of the Democrats' lawyers, said Richey had made an "absolutely extraordinary attempt" to accommodate the Democrats and try the case before the election. "As a practical, legal matter, it is impossible to try the case before the election," Califano said.

At the same time, Califano said the depositions "can and should proceed." Califano said he would ask Richey for a preliminary injunction to stop any further dissemination of information allegedly obtained by use of eaves dropping devices in the Democratic headquarters.

Kenneth Wells Parkinson, one of the Republicans' lawyers, citing all the depositions that remain to be taken — exceeding 30 — and all the motions pending before the court, agreed that the suits could not be tried before Nov. 7. "Any effort to do so," Parkinson said, "might jeopardize the

See SUIT, A16, Col. 5

SUIT, From A1

defendants' right to a fair trial."

In an impromptu press conference out of court, Califano renewed the Democrats' call for either an independent or a congressional investigation of the Watergate affair before the election.

Califano said it was made clear at the meeting with Judge Richey, attended by the principal Assistant U.S. Attorney Earl J. Silbert, "that the Justice Department and the Nixon administration are not going to cooperate."

To have no investigation before the election, Califano asserted, would be saying to President Nixon and the Republican Party "that you can bug and buy your way into the White House in 1972."

Parkinson, declining to respond to what he called "political remarks" by Califano, told reporters that the rights of criminal defendants must take precedence over the civil suits.

Seven men, including former White House aides G. Gordon Liddy and E. Howard Hunt Jr., were indicted by a federal grand jury Friday and charged with conspiring to steal documents and eavesdrop on the Democratic headquarters from May 1 to June 17.

Chief U.S. District Court Judge John J. Sirica gave the prosecution and defense 25 days from Friday to file all motions and respond to motions filed. Sirica said, however, that he could not set a trial date "because of the cur-

rent unsettled status of pretrial matters."

Califano said yesterday that the only time the Justice Department's representative, Silbert, spoke with force during the conference with Judge Richey "was to block depositions in this case."

Silbert declined to respond, saying that he had understood Richey to have asked all of the participants not to discuss matters taken up in the conference. Another participant in the conference, however, paraphrased Silbert as having said that he did not want anything to interfere with prosecution of the criminal trial.

In a related matter, the U.S. Court of Appeals dismissed an emergency appeal filed by the Democrats asking that Richey's ruling Wednesday, dismissing five defendants from the civil suit, be reversed.