

O'Brien Suit Is Heard

GOP Lawyer Says Charges Are Political

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A \$1 million suit filed by Democratic Party Chairman Lawrence F. O'Brien against the Committee for the Re-election of the President is "designed to destroy" President Nixon's chances in the forthcoming campaign, an attorney for the committee said yesterday.

During an acrimonious hearing in U.S. District Court here, Kenneth W. Parkinson, an attorney representing the Nixon re-election committee, charged repeatedly that O'Brien's suit was political in nature.

"The mere pendency of this suit will have a chilling effect on the conduct of the committee," Parkinson told U.S. District Court Judge Charles R. Richey.

Parkinson's charges brought an angry response from Edward Bennett Williams, the famed criminal attorney who is representing O'Brien and the Democratic National Committee in the suit. Parkinson "transgressed the bounds of fair argument and decency," Williams said.

O'Brien's suit was filed last week in the wake of the arrest of five men on burglary charges after an alleged break-in and attempt to bug the Democratic Party headquarters. The suit alleges that the five arrested men in the headquarters and the Nixon re-election committee conspired to violate the civil rights of O'Brien and the Democrats.

The Court hearing yesterday—the first one in the civil

suit—was prompted by a motion by the Democrats to speed up the proceedings. They sought permission to question the five persons arrested and the Nixon re-election committee as soon as possible. Richey did not act on the request yesterday.

Williams gave two reasons for wanting to question the defendants immediately:

- The Democrats "have strong reason to believe" that there are other persons involved besides the five arrested men. If so, he urged, they should be found and

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named quickly in the lawsuit.

- The Democrats believe their party headquarters may have been under surveillance for as long as several weeks before the arrests were made. If this is true, Williams said, he will want quickly to seek

an injunction barring the dissemination of any recorded conversations.
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"We want to know how long those devices were present in that room," Williams told the judge.

Williams did not state the grounds for his beliefs, and

when questioned by Richey, said he was as yet unable to do so.

The judge told Williams he was worried that the five arrested men would jeopardize their Fifth Amendment rights against self-incrimination if they were questioned. Williams responded that the men would be free to invoke the Fifth Amendment.

Parkinson retorted: "If (one of the arrested persons) takes the Fifth Amendment, it's all over the newspapers that he refuses to answer whether he had any relationship with my client (the re-election committee. Now how does that look?" he asked.

Parkinson and the other defense attorney, Douglas Caddy, who represents the five arrested men, vigorously opposed having the case move as quickly as Williams wanted.

They argued that they had not had time to prepare for yesterday's hearing, that they had not been properly served

with copies of the Democrats' court papers, and that they wanted time to file motions of their own.

"Events have moved very rapidly," said Caddy. "I have not had time to do the necessary research."

At one point, Parkinson attacked Williams' law firm, (Williams, Connolly and Callano), saying that its members were improperly making statements to the press about the case.

"I'm also concerned that there is a certain relationship between Mr. Williams' firm and The Washington Post newspaper company," Parkinson said. "The firm is counsel to the newspaper, I believe."

(Williams' law firm has represented The Washington Post Co. since February.)

Williams did not respond to these allegations, and Parkinson did not pursue the matter.

Parkinson also said that the Nixon re-election committee is a defendant in the suit because "the specter of guilt by association has raised its ugly head."

The Nixon committee has not been directly connected to the bugging attempt. James W. McCord Jr., one of the five arrested men, was a salaried security consultant for the committee. He was fired two days after his arrest in the Democratic Party headquarters at the Watergate.

After Parkinson's remarks, Judge Richey interrupted to lecture both sides in the case. "I don't intend to make this into a political trial," he declared.

When the hearing ended and the attorneys were leaving the courtroom, Williams turned to the defense lawyers and gaped, "Gee, I thought you guys were innocent."