

AUG 12 1972

THE NEW YORK TIMES, SATURDAY, AUGUST 12, 1972

Judge Bars Delay in Democrats' Suit Over Break-In

By WALTER RUGABER

Special to The New York Times

WASHINGTON, Aug. 11 —

President Nixon's major campaign organization lost today its plea to postpone until after the general election, a \$1-million civil suit filed against it in connection with the break-in at the Democratic headquarters here.

It remained uncertain, however, whether the case would go to trial before the end of the Presidential campaign. The timing will depend upon court calendars and the readiness of both sides to proceed.

The developments today, which appeared to affect the legal form of the case more than its substance, came in an order by Judge Charles R. Richey of the United States District Court here.

Fear amage to G.O.P.

He ruled that neither the Committee for the Re-election of the President nor the Democratic National Committee, as unincorporated associations, could sue or be sued under District of Columbia law.

Therefore, Judge Richey ruled as moot, or lacking in practical significance, the re-election committee's motion to put off the case until after Nov. 7 on the ground that airing it before then could

cause "incalculable" damage to the Republicans.

While neither the Republican nor the Democratic organization can be a party to the suit, any individual member can be added as plaintiff or defendant. The Democrats have sued on behalf of all party members as a class, and a number of individuals, including five persons accused of the burglary, have been named as defendants.

Judge Richey also ruled that lawyers for the plaintiffs now could begin to take depositions

from several key figures in the case and could begin other procedures to discover facts.

The Democrats want to question Charles W. Colson, a special counsel to the President; E. Howard Hunt Jr., a onetime White House consultant, and Al Wong, an official of the Secret Service.

Mr. Colson recommended Mr. Hunt to the White House. Mr. Hunt has been linked to the leader of the break-in. Mr. Wong is alleged to have recommended one of those accused of the burglary as a security agent

for the Republicans.

The security agent, James W. McCord Jr., is also scheduled for questioning in the case. So are the other four men arrested — Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio R. Gonzalez, all of Miami.

Judge Richey ordered that records of the questioning be sealed, at least temporarily, because of the parallel criminal investigation in the case. In addition, Fifth Amendment rights against self-incrimination will apply.