

# White House Aide Denied U.S. Counsel

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A federal judge ruled yesterday that White House aide Charles W. Colson cannot be represented by the Justice Department in the civil suit regarding the alleged break-in and bugging of Democratic headquarters on June 17.

U.S. District Court Judge Charles R. Richey formally disqualified a Justice Department attorney from representing Colson and ordered instead that Colson obtain his own counsel.

The action came after Democratic general counsel Joseph A. Califano Jr. had argued that the Justice Department should not be defending Colson at the same time that it is investigating possible criminal aspects of the bugging incident.

Richey, a Republican judge appointed by President Nixon, in effect agreed with Califano's argument. Noting that there is "some authority" for the Justice Department to provide Colson with private defense counsel in a civil suit, the judge continued:

"Such special representation will not be condoned by this court because the Justice Department is otherwise engaged, through other employees, in a criminal investigation of the subject matter. . ."

The judge gave Colson 10 days to obtain a private attorney, and delayed an attempt to question him in the \$1 million civil suit filed by former Democratic chairman Lawrence O'Brien until after Colson hires a lawyer.

Five men were arrested at Democratic headquarters in the Watergate in the early hours of June 17. A federal grand jury has been investigating the incident since that time, but to date no indictments have been returned.

Shortly after the arrests, it

was learned that at least two of the arrested men knew E. Howard Hunt Jr., a former CIA employee who disappeared from sight after his name was connected to the case. Hunt had been hired as a White House consultant on the recommendation of Col-

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son, a political consultant to the President whose title is "special counsel."

Colson has denied any knowledge of or involvement in the incident at Democratic headquarters, but the Democrats have nevertheless sought to question him in their civil suit. The basic contention of the Democrats' suit is that their civil rights were violated by the alleged bugging of their headquarters.

Originally, the Justice Department assigned attorney Irwin Goldbloom of its Civil Division to represent Colson in the civil suit. A Justice Department spokesman said Goldbloom was not in any way connected to the criminal investigation of the incident, which is being conducted by the FBI and the U.S. attorney's office for the District of Columbia.

But in court papers the Democrats argued, "It is too much to expect that the public can, will or even should believe that one attorney will not talk with another when they work in the same department, serve the same boss and have a professional duty to learn as much as possible about the same incident."

Last night, a Justice Department spokesman said he would not comment on Richey's action.

But Democratic counsel Califano, who said he was pleased with Richey's action, renewed his request that the Justice Department appoint a special prosecutor to handle the criminal investigation of the incident.

Califano noted that former Attorney General John N. Mitchell was head of the Nixon re-election effort at the time of the break-in June 17. He said the relationship between the Justice Department and the campaign committee was "just too close."

Since the arrest of five suspects, the Democrats have tried to lay the incident at the doorstep of the White House—or at least to that of the Nixon re-election committee.

This week, The Washington Post disclosed that a \$25,000 cashier's check—apparently earmarked for President Nixon's campaign—was deposited in the Miami bank account of Bernard L. Barker, one of the five suspects.

The check was made out by a Florida bank to Kenneth H. Dahlberg, the President's campaign finance chairman for the Midwest. Dahlberg has said he doesn't have "the vaguest idea" how the check reached Barker's account, adding that he personally gave the check to Maurice Stans, formerly Mr. Nixon's Secretary of Commerce and now finance

subject."

chairman of the President's re-election campaign.

Since the disclosure of the check, there have been these new developments related to the incident:

- Stans has refused to discuss the matter with reporters. His personal secretary, Arden Chambers, said, "He's not granting any interviews and feels that when all the facts are known all the hoopla will die down with respect to him." The secretary said Stans had told her he would be absolved of any involvement with the check.

- In response to reporters' questions, White House Press Secretary Ronald L. Ziegler said yesterday that President Nixon has full confidence in Stans and that the chief executive has no plans to discuss the check with him. When questions about the bugging attempt persisted, Ziegler cut them off by saying, "I have nothing more to say on the

- Philip S. Hughes, the chief of the new Office of Federal Elections in the General Accounting Office, which is auditing the Nixon re-election committee's finances as a result of the disclosure about the check, outlined what he called a "string of possible violations" of the law involving the check. They include failure to report the money as a

contribution to the Nixon re-election committee, whose June 10 disclosure report lists nothing resembling the \$25,000 check that Dahlberg says he gave to Stans on April 11, according to Hughes.

- The FBI and the GAO elections office are attempting to determine if an additional \$89,000 deposited in Barker's account on the same date as the Dahlberg check also represents money from campaign contributions. The \$89,000 was deposited in the form of four drafts from a Mexico City bank in the name of Manuel Ogarrío Daguerre, a prominent Mexican lawyer who often represents American clients.