

Appeal Is Set In Watergate Case Decision

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The Justice Department announced yesterday that it intends to appeal a federal judge's ruling that it cannot represent White House aide Charles W. Colson in the Democrats' \$1-million civil suit in the Watergate break-in.

U.S. District Court Judge Charles R. Richey had disqualified a Justice attorney from representing Colson on grounds that the department is handling the separate criminal investigation of the Watergate incident.

In a court motion filed yesterday, the Justice Department contended that the disqualification of its attorney could prevent it from protecting the functioning of the President's staff.

"Mr. Colson, as special counsel to the President is, of course, involved in many important and sensitive executive functions," the motion said. "As such, any wide-ranging inquiry on a deposition could well intrude into matters relating to his official duties."

The Democrats have subpoenaed Colson to take a formal statement from him. They have done this on the grounds that he may have knowledge of the case.

At the same time, Justice also yesterday filed notice that it will appeal Judge Richey's similar ruling that Alfred Wong, the chief of Secret Service technical security at the White House, cannot be represented by the department in the case.

Five men were arrested in-

through the Committee to Re-elect the President to the bank account of one of the suspects, the incident has been growing as a political issue in the campaign.

On Sunday, Democratic presidential nominee George McGovern told a television panel that, "I am going to talk about it on every stage and to every audience I reach across this country, until we bring this matter out into the open."

side the Democratic national headquarters at the Watergate here on June 17. They were carrying electronic eavesdropping and photographic equipment.

The Democrats filed the \$1-million civil suit against the five suspects, one of whom is the former security chief of President Nixon's campaign committee, on the grounds that the incident was a potential infringement of the constitutional rights of all Democrats.

In yesterday's court motion, the Justice Department asked that Judge Richey delay his disqualification orders pending formal appeal.

Meanwhile, a White House spokesman said yesterday that President Nixon will not appoint a two-member, bipartisan commission to investigate the Watergate incident, as requested Friday by Sen. William Proxmire (D-Wisc.).

In addition to asking the President to name an investigating commission, Proxmire introduced a Senate resolution Friday that would establish such a commission if Mr. Nixon failed to do so.

Since the disclosure that a \$25,000 campaign check passed