

Dean's Allegations

On Judge on Tape

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Former White House counsel John W. Dean III said during a taped White House conversation in September, 1972, that U.S. District Judge Charles R. Richey kept two Republicans informed of progress of Watergate-related civil cases, slowed the cases down, and gave one of them legal advice.

Dean made similar allegations against Judge Richey last June before the Senate Watergate Committee, but the charges are much more specific in the tape transcript.

Richey dismissed the newly surface allegations as "poppycock," as he had last summer, and strongly defended his role in the Watergate civil cases.

Other federal judges here said that if such conduct had been practiced by a federal judge, it would amount to improper judicial conduct. However, U.S. District Chief Judge George L. Hart said that he would not "dignify" Dean's charges by even discussing them with Richey.

Richey said yesterday that he has made every attempt possible to push the cases forward without demaguing the constitutional rights of persons involved in both the civil cases and criminal cases growing out of the Watergate scandal.

The newly surfaced allegations by Dean were made in a conversation between Dean, President Nixon and former top presidential aide H.K. (Bob) Haldeman on Sept. 15, 1972, the day the original Watergate indictments were returned by a federal grand jury here.

The portion of that conversation concerning Richey goes as follows:

Dean: You might be interested in some of the allocations we got. The Stans' libel action was assigned to Judge Ritchie. (Richey's name is misspelled throughout the text of the transcript.)

President: (Expletive deleted).

Dean: Well now that is



JUDGE CHARLES RICHEY
... "poppycock"

good and bad. Judge Ritchie is not known to be one of the (inaudible) on the bench, that is considered by me. He is fairly candid in dealing with people about the question. He has made several entrees off the bench—one to (former Attorney General Richard) Kleindienst and one to Roemer McPhee (an attorney who has been an adviser to various Republican campaign organizations) to keep Roemer abreast of what his thinking is. He told Roemer he thought Maury ought to file a libel action.

President: Did he?

Haldeman: Can he deal with this concurrently with the court case?

Dean: Yeah. The fact that the civil cases drew to a halt—that the depositions were halted he is freed.

Haldeman: It was just off for a few days wasn't it?

Dean: It did more than that—he had been talking to (Earl J.) Silbert, one of the assistant U.S. attorneys down here. Silbert said, 'We are going to have a hell of a time drawing these indictments because the civil deposition will be coming out and the grand jury has one out on this civil case but it is nothing typical.'

There was a brief interruption for the President to answer an incoming telephone call from former Attorney General John Mitchell.

Dean (continuing): Based on that when Silbert had told Ritchie this and with a

casual encounter—in fact it was just in the hall, so Ritchie stopped the civil case so Silbert can get the indictment down.

According to court records in the Watergate-related civil cases, Richey ordered depositions sealed on Aug. 22, 1972, but said at the time that "I don't intend to keep the seal for one minute longer than necessary to protect someone's constitutional rights."

However, Richey told opposing attorneys two days later he would listen to their arguments for unsealing the material if they objected to his decision. He also said he wanted the case brought to trial before the 1972 presidential campaign to "insure the right of the public to know and the right of the press."

Richey noted yesterday that no portion of the civil suit is now under seal.

Richey added at that Aug. 24 hearing:

"I think there is also a suggestion implicit in all this that if something is not done by this court to bring this matter to a head one way or the other . . . the integrity of the courts may become subject to question.

"This judge is not going to be a party to any such criticism, if I can possibly avoid it, unless the interests of justice compel me to do otherwise."

Less than a month later, in September, 1972, he ruled with the agreement of lawyers for both sides that it would be "impossible" for the suit to be tried before the November election.

All civil suits directly related to the Watergate break-in—including one filed by the Democrats, two counter-suits by Republicans and another by a Democratic official on whose telephone a listening device was found—are assigned to Richey.

Prosecutors and judges interviewed here yesterday said they would consider it common practice to give a criminal case precedence over a civil case growing out of the same incident.

One federal judge here

said in a similar situation a few years ago that he had blocked even the taking of depositions as opposed to only ordering them sealed, as Richey did.

As to the specific allegations by Dean in the tape transcripts, Richey said that he had met Kleindienst only on two occasions: Once during Richey's swearing-in as a federal judge, and once at a social gathering in honor of a Justice Department official.

He denied ever discussing the Watergate civil cases with Kleindienst or McPhee, and said he had never told anyone that a libel suit should be filed by former Commerce Secretary Maurice Stans.

Richey said that he had not seen McPhee, who lives near him in Potomac, since the Dean allegations last summer.

The judge also said he offered to remove himself from the Watergate civil cases after Dean's allegations last summer, but none of the attorneys asked him to take that action.