

Transcripts

Judge Disputes Watergate 'Link'

Washington

An examination of transcripts has disclosed a conflict in versions of how closely a U.S. District Judge and a Watergate prosecutor may have worked together — if at all — in the early days of the Watergate investigation.

In the White House transcripts of tape recordings released by President Nixon last week, John W. Dean III, then the White House counsel, described a hallway meeting

between U.S. District Judge Charles R. Richey and Earl J. Silbert, then an assistant U.S. attorney who headed the investigation.

According to the transcript, Dean said that based on their conversation, it was apparent that depositions in the civil suit brought against the President's re-election committee would be stopped. He told the President the news on Sept. 15, 1972. That was six days before the judge announced his decision to stop taking further depositions in the suit.

Silbert, who has been nominated by Mr. Nixon to be the U.S. attorney for the District of Columbia, was asked about his meetings with Judge Richey during confirmation hearings last April 23.

At that time he said only that he had taken part in a pretrial conference on September 21 at the judge's request and because of possible conflict between upcoming criminal trials and the civil damage suit brought by the Democratic National Committee.

Richey, asked yesterday about the meeting described by Dean, said: "It is just not true."

Asked to comment yesterday, Silbert declined.

He said his nomination is still before the Senate Judiciary Committee and he had decided not to discuss matters "within the parameters of the Senate hearing."

According to the transcript, at the Sept. 15, 1972, meeting, attended by Mr. Nixon, Dean and H. R. Haldeman, Mr. Nixon's chief of staff, the three men discussed a pending damage suit by the Democratic National Committee against the Committee for the Re-election of the President that resulted from the burglary of the Democrats' headquarters at the Watergate office building here on June 17, 1972.

They also discussed a countersuit. Maurice H. Stans, head of the Finance Committee to Re-elect the President, had filed a libel action against the Democrats.

Dean said that the Stans libel action had been assigned to Richey and that the judge "has made several entries off the bench — one to

Kleindienst and one to Roemer McPhee to keep Roemer abreast of what his thinking is. He told Roemer he thought Maury ought to file a libel action," according to the transcript.

The references were to former Attorney General Richard G. Kleindienst and H. Roemer McPhee, lawyer for the Republican National Finance Committee. McPhee is a neighbor of the judge Richey in suburban Potomac, Md.

Dean noted that the Democrats' case "drew to a halt" and that pretrial statements under oath had been discontinued.

"It was just put off for a few days, wasn't it?" Haldeman asked.

"It did more than that," Dean replied.

"He has been talking to 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 (in the Watergate burglary



EARL J. SILBERT
Nominee for U.S. attorney

case) because these civil depositions will be coming out and the grand jury has one out on this civil case but it is nothing typical."

After a brief interruption, Dean continued:

"Based on that when Silbert had told Richey this and with a casual encounter — in fact it was just in the hall, so Richey stopped the civil case so Silbert can get the indictment down."

The White House conversation, on September 15, occurred six days before Richey decided to cut off further pretrial depositions.

The White House transcript is the first to indicate how these arrangements may possibly have been made.