

NYTimes SEP 8 1972

O'Brien Says His Phone Was Tapped Before Raid

Special to The New York Times

WASHINGTON, Sept. 7—Lawrence F. O'Brien said today he had "unimpeachable" evidence that his personal office telephone had been tapped "for a period of several weeks" before the break-in attempt at the Democratic party's Watergate Hotel headquarters June 17.

Mr. O'Brien said that during that time, as the party's National chairman, he had talked by telephone with "perhaps every prominent Democrat in America," including all the Presidential hopefuls. He said that his conversations had been monitored "on a regular, daily basis" from a room in a nearby motel and later "transcribed into memorandum form."

Mr. O'Brien, who is now the chairman of Senator George McGovern's Presidential campaign, charged that a phone used by another party official had also been tapped during the period.

Citing "advice from my counsel," Mr. O'Brien refused repeated requests at a news conference to say whether anyone besides the five men arrested in the break-in had been involved in the monitoring, or to provide evidence beyond his allegations that it had taken place.

He would say only that his disclosures, which followed recent published reports of electronic surveillance of the Democrats' offices before June 17, were based on an investigation by his attorney, Edward Bennett Williams.

Mr. Williams is representing Mr. O'Brien in a \$1-million invasion-of-privacy suit against the five break-in suspects, who were captured at gunpoint with bugging equipment and cameras inside the party's headquarters.

One purpose of the unsuccessful break-in, Mr. O'Brien said, was to "adjust a faulty tap" on his telephone and to install a "room listening device" in his private office.

Some of the five members of the break-in group, he continued, had made a separate attempt three weeks earlier with others to enter Senator McGovern's pre-convention campaign headquarters, then situated on Capitol Hill.

Raid Terminated

But Mr. O'Brien said that the raid which occurred on May 27, was "abruptly terminated at 3 A.M." when members of the Senator's staff appeared unexpectedly at the office.

Mr. O'Brien also confirmed reports that files in his office had been opened on previous visits by intruders and that photographs had been made of documents, memorandums and handwritten notes, "things that might be useful" to political opponents.

Last week, a Miami photography employe reported having developed two rolls of film containing pictures of what he believed were Democratic party documents.

The employe, Michael Richardson, identified the two men who brought him the film on June 10 as Bernard J. Barker and Frank Sturgis, both of whom were arrested at the Watergate.

Mr. O'Brien asserted that it was "clear I was a victim" of "a Republican-sponsored invasion" of the Democratic headquarters.

"My phone was tapped, my conversations overheard, my files invaded, my correspondence photographed," he said.

Asked what someone might have discovered from such surveillance, Mr. O'Brien replied that he was "obviously not totally familiar with what they learned."

He had no indication, he said, that any of the material purportedly stolen had been used by the Republicans in the current political campaign, for what he called "pretty good reason."

But, he added, "I know it was not a case of doing nothing" with the information.

Mr. O'Brien said that his attorney, Mr. Williams, filed a request in Federal District Court today for 17 additional depositions in connection with the civil suit.

Depositions have already been taken by the Democrats from 12 individuals, including former Attorney General John N. Mitchell, and Maurice H. Stans, Mr. Nixon's chief campaign fund-raiser.

Among the new names are Clark MacGregor, who replaced Mr. Mitchell on July 1 as President Nixon's campaign manager; Robert C. Mardian, a former Assistant Attorney General who now works for Mr. Nixon's re-election committee, and John D. Ehrlichman, one of Mr. Nixon's closest White House aids.

Henry B. Rothblatt, a New York lawyer representing the five defendants in the suit, announced yesterday that he was also requesting 10 depositions from Democratic party officials, including Mr. O'Brien and Spencer Oliver, executive director of the party's State chairmen's Association, and the principal user of the second tapped telephone referred to by Mr. O'Brien.

In a related development, Representative Wright Patman, chairman of the House Banking and Currency Committee, announced that he would begin formal hearings next week on possible infractions of banking laws in connection with the Watergate break-in.

The hearings are expected to center on the so-far unexplained appearance of \$114,000 in checks, apparently intended for Mr. Nixon's campaign, in a Miami Bank account controlled by Mr. Barker. Four of the checks, totaling \$89,000, reportedly represented contributions to the Nixon campaign from anonymous supporters of the President in Texas, including some Democrats.