

Post Newsmen, Others Win Delay on Subpoenaed Notes

By Lawrence Meyer
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A federal judge yesterday gave lawyers for reporters from four publications until March 13 to file motions aimed at blocking a demand to produce before President Nixon's re-election committee all

notes, story drafts and other documents in connection with the Watergate bugging.

In granting the delay sought by The Washington Post, The New York Times, The Washington Evening Star-News and Time magazine, U.S. District Judge Charles R. Richey indicated that he already had a closer understanding of the issues in the case.

"I've already done some independent study," Richey said. "I know the state of the law. I know what my view of the law is."

Although Richey gave no indication whether he would quash the subpoenas, issued to 10 persons, he said at one point during the hearing that "the court thinks they have done the right thing" in seeking to quash the subpoenas "and commends them for it."

Those subpoenaed include Washington Post publisher Katharine Graham and managing editor Howard Simons, Post reporters Carl Bernstein; New York Times reporter John Crewdson; Evening Star-News reporters Joseph Volz, Patrick Collins, Jeremiah O'Leary and James Polk; and Time magazine correspondent Dean Fischer.

The Committee for the Re-election of the President has called them to testify and to bring their notes, stories, story drafts and other documents in connection with three civil suits stemming from the break-in and bugging of the Democratic National Committee's Watergate headquarters.

Richey granted the motion for a delay to allow lawyers for the four publications to file their motions to quash, but he denied a motion by re-election committee lawyer Kenneth Wells Parkinson for time to respond to the briefs filed.

Joseph A. Califano Jr., attorney for The Post, told Richey that the Re-election committee was trying to open "the doors of Time and The Post and The New York Times and The Star" so that the committee could "rummage through" their files.

Parkinson said the committee wanted the documents brought by the reporters when they give their depositions "so a witness's memory might be refreshed."

Richey began the hearing by pointing out that lawyers for two of the newspapers—The Post and The Evening Star-News—may have a potential conflict of interest since their firms also represent parties in the suit.

Califano issued a statement last night announcing that his firm was withdrawing as counsel for the Democratic National Committee, former Democratic chairman Lawrence F. O'Brien and present chairman Robert Strauss in three suits "in order to avoid even the appearance of a conflict of interest."

The decision of Califano's firm, Williams, Connolly and Califano, to represent only The Post was made prior to

yesterday's hearing, it was learned.

Francis L. Casey Jr., attorney for The Evening Star-News and a partner in the firm of Hogan and Hartson, told Richey no objection had been raised by any other party to his appearing for his client.

Two other partners in Casey's firm, William A. Bittman and Austin Mittler, are representing two defendants in one of the suits. Mittler told Richey that their clients—former White House aides G. Gordon Liddy and E. Howard Hunt Jr.—were taking no position on the subpoenas and had no objection to Casey's appearance.