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 WASHINGTON AP - Testimony by former Atty. Gen. John N. Mitchell in the Democrats' \$1 million suit against five men charged with a break-in and bugging at Democratic national headquarters was cut short today by legal maneuvering. Mitchell and others have been giving depositions as a preliminary part of the invasion-of-privacy civil suit. Mitchell said he stopped answering questions on the advice of Kenneth Parkinson, a lawyer for the Committee for the Re-Election of the President. Henry Rothblatt, the lawyer for the five men arrested inside the Democratic offices, had filed a motion with Judge Charles Richey to stop all proceedings in the civil case because the publicity may prejudice the expected trial of the five men. "The lawyers got into some sort of wrangle about the motion," Mitchell said, "and I was advised by my attorney not to proceed until the court rules on his motion." Mitchell who resigned etc picking up Mitchell, who resigned as chairman of Nixon's campaign July 1, said he dianswer some of the questions asked by Edward Bennett Williams, attorney for the Democrats. "But I did not get to the question where I swore that I had no advance knowledge of the bugging incident," Mitchell said. "I'll swear to that now." Richey, who is presiding in the case, is out of town and is not expected to rule on Rothblatt's motion until after Labor Day. This could further delay the civil trial which Richey has proomised to expedite. Mitchell refused to discuss any facts in the case but called the civil suit filed by the Democrats "demagoguery of the highest order." lt1152aed Sept. 1

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 The motion filed on behalf of the five suspects contends that continuation of proceedings in the civil suit would jeopardize their constitutional rights in connection with the criminal investigation of the break-in. It said that the Democratic suit should be delayed at least until a federal grand jury here completes its probe of the June 17 incident. Also the suspects complained that "intensive media coverage" of the break-in case will "jeopardize their right to a speedy, impartial and just determination of the criminal proceeding." News reports of the case thus far, Rothblatt's motion said, have already had "devastating effects upon the defendants' rights." The motion says that "what has been experienced thus far in the way of publicity will be dwarfed by the magnitude of the publicity that will flow from the appearances of the five defendants themselves scheduled to begin on Tuesday, Sept. 5." The motion also wants Lawrence O'Brien, former chairman of the Democratic National Committee, dropped as a plaintiff in the suit because "no personal loss or damage to Mr. O'Brien" had been alleged. O'Brien is now the campaign chairman for George McGovern's presidential campaign. cm1226ped spe 1

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