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By THE ASSOCIATED PRESS

WASHINGTON AP - Former Atty. Gen. John N. Mitchell cut off testifying Friday in a civil suit against five men arrested in a break-in at Democratic national headquarters after they contended their constitutional rights were in jeopardy.

Mitchell was giving a deposition in the Democrats' \$1 million invasion-of-privacy suit but stopped answering questions. He said he did so on the advice of Kenneth Parkinson, a lawyer for the Committee for the Re-Election of President Nixon.

Mitchell resigned as head of that committee July 1. The break-in occurred June 17. One of those arrested in the break-in, James W. McCord, was security chief for President Nixon's campaign organization.

A motion filed Friday with Judge Charles Richey by Henry Rothblatt, a lawyer for the five defendants, asked that all proceedings in the civil case be halted because the publicity could prejudice their rights in the criminal trial.

"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 said he had answered some of the questions put to him by Edward Bennett Williams, the Democrats' attorney, "but I did not get to the question where I swore that I had no advance knowledge of the bugging incident."

Added Mitchell: "I'll swear to that now."
Richey, who is out of town, was not expected to rule on Rothblatt's motion until after Labor Day.

In another development, State Atty. Richard Gerstein of Miami said he believes the Democrats' headquarters in Washington's Watergate Building had been broken into before the June 17 incident.

Gerstein said Thursday he based the belief on the testimony of Michael Richardson, a Miami commercial photographer, who said two men arrested in the break-in had him develop prints of what appeared to be letters between Democratic leaders a week before the June 17 break-in.

Richardson said Bernard L. Barker, a former CIA agent, and Frank Sturgis brought the prints to him June 10 for a "special rush job."

He developed 38 pictures, making 8 by 10 prints showing onion-skin copies held against what appeared to be a "deep shag rug" by hands encased in surgical gloves, Richardson said.

Many of the documents appeared to be hand-written letters signed by Lawrence F. O'Brien, then chairman of the Democratic National Committee and presently national campaign director for Sen. George McGovern, Democratic presidential nominee.

you can reasonably draw is there was another break-in at the Watergate or somewhere else where these people came into possession of documents they shouldn't have had," said Gerstein, who is investigating the break-in to determine if Florida conspiracy laws were violated.

The Washington Post reported Friday that two former White House aides, G. Gordon Liddy and E. Howard Hunt Jr., were inside the Watergate and narrowly escaped apprehension when the five other men were arrested.

Quoting "a source close to the federal investigation," the Post said Hunt and Liddy were warned over a walkie-talkie by a lookout at the Howard Johnson Motel across the street from the Watergate that police were coming.

The police were summoned by a guard at the Watergate who noticed a door on a stairwell had been taped so as not to lock. Police said they surprised five men in the Democratic headquarters carrying bugging equipment.

The Post story said Hunt and Liddy were in a stairwell or corridor of the Watergate when they were warned by the lookout and fled.

Liddy was fired as financial counsel to Nixon's campaign organization when he refused to cooperate with FBI agents investigating the break-in.

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