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BULLETIN

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Watergate 2nd Lead

WASHINGTON AP - A federal judge ruled today that secret testimony from former Atty. Gen. John N. Mitchell must continue in the Democrats' \$1 million civil suit stemming from the break-in and alleged bugging of their national headquarters.
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Watergate 2nd Lead Add

WASHINGTON Watergate 2nd Lead a095 add: headquarters.
At the same time, U.S. Dist. Court Judge Charles R. Richey ruled that testimony from the five persons charged in the break-in must wait until after a federal grand jury decides if criminal indictments are appropriate in the case.
Richey's action came on motions filed by attorneys for the five men arrested inside the Watergate Democratic offices on June 17.

The motions sought dismissal of the Democrats' suit alleging invasion of privacy and breaching of their constitutional rights on grounds that continued extensive publicity would prevent the five men from obtaining a fair criminal trial in the event the grand jury orders it.

The ruling means that secret questioning of Mitchell by Edward Bennett Williams, the Democrats' attorney, will continue Tuesday.

Mitchell walked out of the deposition session Friday apparently on the advice of his attorney that he should not give a deposition until the motions filed on behalf of the five men were acted on.

Specifically, Richey denied the motion for a stay. Both sides agreed to delay until another time a discussion of the motion to dismiss proceedings after Williams said he had not had time to study it completely. The motions, filed by Henry B. Rothblatt, representing the five men, were not made until Thursday night and did not reach Williams personally, he said, until Friday morning.

Much of the discussion before Richey revolved around the argument of whether the pre-trial publicity in fact jeopardized the defendants' right to a fair hearing in the civil suit and their possible rights under criminal prosecution.

By ROBERT L. CAMPBELL
Associated Press Writer
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Watergate 2nd Lead add 340

WASHINGTON Watergate 2nd Lead a095-098 2nd add: prosecution.

In a surprise move an attorney representing former White House consultant E. Howard Hunt Jr., who has been linked to the case, by phone calls allegedly made to him by one of the Watergate five, emphasized the "aggressiveness" of the grand jury's investigation and pointed to Mitchell's alleged recent statements there will be indictments upcoming soon.

William Bittman, representing Hunt, said that Hunt's wife, son and daughter had all be subpoenaed by the federal panel and had testified before it. He offered this as an argument for the staying motion on grounds it showed indictments were imminent.

Richey, however, citing the fact that not many days would be left for a criminal trial before the November election if the civil case was held up, agreed with Williams that press coverage has not prejudiced anyone's right to a fair trial.

On the contrary, Richey said, the extensive publicity made it necessary to proceed immediately.

The press, Richey said, was "performing a function they have a right to perform."

"There's more suspicion about this case in this city . . . than any I can remember in my adult lifetime," the judge said.

Williams, in his argument, said: "There is a right to know of about the first case in American history of political espionage."

In what was in effect a granting of Rothblatt's motion to delay taking depositions from his clients, Richey apparently ruled out a further appeal in the case.

Mitchell's attorney, Kenneth Parkinson, said the former attorney general, described as a consultant to the Committee for the Re-election of the President, was willing to proceed with the secret deposition.

Williams did not indicate any intention of appealing Richey's denial of the motion delaying taking testimony from the five men accused in the break-in.

Richey ruled Aug. 17 that the deposition should be taken in private. However, he has indicated more recently he is as concerned about the right to clear the air in the case as he is about keeping it under wraps.

It was for this reason he made the two rulings to continue depositions from Mitchell and Clark MacGregor, who succeeded Mitchell as manager of Nixon's re-election campaign, while barring the depositions of the Watergate five.

Earlier: 4th graf a094.

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Earlier State Atty. Richard Gerstein of Miami termed the break-in at the Democratic national offices in Washington's Watergate complex as part of "a systematic plan to spy on the Democratic headquarters and steal their records."

Gerstein: 2nd graf a016.

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