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WASHINGTON AP - A federal judge Saturday paved the way for former Atty. Gen. John N. Mitchell's secret testimony to continue Tuesday in the Democrats \$1-million civil suit stemming from the break-in and alleged bugging of their national headquarters.

U.S. District Court Judge Charles R. Richey denied a motion for a delay in taking a deposition from Mitchell until after a federal grand jury investigating the incident decides if criminal indictments are appropriate.

At the same time, Richey granted a motion temporarily blocking taking depositions from the five men who were nabbed by security guards the night of June 17 inside the Democratic offices in the posh Watergate complex overlooking the Potomac River.

The five, along with several other persons, have been linked to President Nixon's re-election effort. Lawrence F. O'Brien, Democratic national chairman at the time of the break-in, filed the civil suit seeking damages of \$1 million on grounds the Democrats' constitutional right to privacy was violated. The federal grand jury is investigating the incident separately.

On Friday, Mitchell walked out of a session in the office of the Democrats' attorney, Edward Bennett Williams, reportedly after his attorneys advised him not to continue giving the deposition until Richey ruled on motions for a stay and also for dismissal on grounds extensive pretrial publicity has repudiated the defendants' right to a fair trial.

Richey, who ordered the secret depositions taken from Mitchell and 12 others in a ruling Aug. 17, said Saturday he did not believe a fair trial was impossible because of the extensive publicity.

Rejecting the argument, Richey said the press was "performing a function they have a right to perform."

Rather, he said, the controversy over the affair makes it necessary to clear the air as soon as possible.

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

The attorney representing the five, Henry B. Rothblatt of New York, argued that "in handling this case, my five clients seem to be lost in the shuffle."

Rothblatt was joined in pleading his case by William Bittman, who represents former White House consultant E. Howard Hunt Jr. Hunt has been linked to the case by phone calls allegedly made to him by one of the Watergate five and is one of the 13 ordered by Richey to give depositions.

Bittman cited what he called the "extremely aggressive grand jury" in the case and said the panel had subpoenaed Hunt's wife, son and daughter and taken testimony from them. In asking for the delay, Bittman also cited recent statements by the administration that indictments will soon be forthcoming in the case. He said he had been told this "is the biggest criminal investigation since the assassination of John F. Kennedy."

Richey's rulings, in effect, barred the secret testimony of the five suspects before the Democrats but assured the continuation of the case by the continuing depositions being taken from the others. In addition to Mitchell, they include Clark MacGregor, who succeeded Mitchell as head of the President's re-election campaign and former Secretary of Commerce Maurice Stans, now heading the Nixon re-election finance effort.

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