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Mitchell to Continue 'Bugging' Deposition

WASHINGTON — (AP) — A federal judge yesterday paved the way for former Attorney General John 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.

\$1 Million

"Judge Richey's decision frees me to continue to present the full facts, as I know them to be, which was my full intention before the le-

gal questions were raised," Mitchell said yesterday.

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 Washington's posh Watergate complex.

Two of 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 prejudiced the defendants' right to a fair trial.

'Fair Trial Possible'

Richey, who ordered the secret depositions taken from Mitchell and 12 others in a ruling Aug. 17, said yesterday 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 Watergate five, Henry B. Rothblatt of New York, argued that "in handling this case, my five clients seem to be lost in the shuffle."

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.