



Oversight May Peril Democrats' Suit

By AGIS SALPUKAS

Special to The New York Times

WASHINGTON, Sept. 12—The suit for damages by the Democratic party against a Republican campaign committee as a result of the break-in at Democratic headquarters may be in danger of being dismissed because of oversights by attorneys for the Democrats.

Judge Charles R. Richey of the Federal District Court here decided at a hearing today that he would rule Sept. 20 on the motion to dismiss the suit, which asks for \$1-million in damages.

If he dismissed the suit, the Democrats could probably refile it, but this would further delay the progress of the suit. Even before the judge's decision today, the suit had little chance of coming to trial before the election.

Judge Richey also ordered the lawyers for the Democrats to stop taking depositions from people connected with the Republican campaign and the White House until he makes his ruling.

Hugh W. Sloan Jr., former treasurer of the Committee for the Re-election of the President, appeared before the Democrats' attorneys today, but it was unclear whether he made a deposition.

Mr. Sloan and Maurice H. Stans, finance chairman of the Nixon campaign, were accused in an amended complaint to the suit yesterday of passing \$114,000 to a spy squad refusing to say what the money had been used for and destroying the financial records.

The original suit was brought on behalf of Lawrence F. O'Brien, who was chairman of the Democratic National Committee at the time of the break-in last June 17 at the Watergate Building.

Judge Richey could dismiss it on a technicality — that Harold Ungar, one of the attorneys handling the suit for the Democrats, did not answer a motion to dismiss the suit within five days of when it was filed.

The motion was made by Henry B. Rothblatt, representing the five men arrested in the headquarters of the Democratic National Committee. They are defendants in the suit, along with the Committee for the re-election of the President.

Mr. Rothblatt argued that Mr. O'Brien was not a proper



Associated Press

Hugh W. Sloan Jr., former treasurer of the Committee for the Re-election of the President, on his way to meet with lawyers in Watergate case.

plaintiff since he was no longer chairman of the national committee. He is now campaign chairman for the Democratic Presidential nominee, Senator George McGovern.

Holds Up Ruling

Not only is the original suit endangered but also the amended complaint, which was not accepted by the court yesterday because the attorneys had not filed a motion asking permission of the court to amend the suit.

Judge Richey indicated that he would not rule on whether the amended complaint could be filed until he rules on the motion to dismiss the suit.

Judge Richey decided to stop the taking of depositions because he said he believed it would be unfair to continue the investigation in a suit whose status before the court was unclear.

Among those who were to appear for depositions in the next three weeks were Clark MacGregor, chairman of the Committee for the Re-election of the President; Robert C. Mardian, an official of the committee, and John D. Ehrlichman, President Nixon's chief adviser on domestic affairs.

Judge Richey said in an interview, however, that the depositions could be speeded up if he ruled not to dismiss the suit.