

G.O.P. Countersuit Says O'Brien Is Abusing Court

NYTimes

SEP 14 1972

Special to The New York Times

WASHINGTON, Sept. 13—Nixon's campaign director, charged that the purpose of Mr. O'Brien's original suit and the subsequent attempt to amend it, was "unlawful and political in nature."

By requesting sworn depositions from a number of high Republican officials, including Mr. Stans and John N. Mitchell, former Republican campaign chairman, Mr. O'Brien's attorneys "abused the subpoena powers of the court to parade innocent witnesses before the public in a concerted effort to create an appearance of guilt by association," Mr. MacGregor said.

The complaint, which lists as plaintiffs Mr. Stans and Francis I. Dale, another Nixon campaign official, also accuses Mr. O'Brien of having used the Federal District Court "as a forum

Continued on Page 50, Column 4

Nixon Campaign Files a Countersuit Against O'Brien

Continued From Page 1, Col. 3

in which to publicize accusations against innocent persons which would be libelous if published elsewhere" and of "using his civil action to improperly conduct a private inquisition while a grand jury investigation is in progress."

The new complaint accuses Mr. O'Brien's attorneys of a number of technical violations in handling his suit. Included was the attempt on Monday to amend the suit to include Mr. Stans and the Nixon re-election committee as defendants "without first obtaining leave of [the] court to do so."

Edward Bennett Williams, Mr. O'Brien's attorney in the matter, said today that he would argue in a new motion that an order, Aug. 11 by Federal Judge Charles R. Richey had removed the need to obtain the court's permission to amend the complaint.

The original suit listed only the five men arrested in the Democrats' Watergate offices with electronic bugging equipment as defendants.

In an effort to discover the five men's motives and any possible connection with the Republicans, Mr. Williams has taken a series of secret depositions from 13 individuals, all with present or past connections to the White House or the Nixon campaign.

Speculation Generated

Although no details of the testimony have been disclosed, the appearance of such prominent figures as Mr. Mitchell and Mr. Stans at Mr. Williams's office has generated widespread publicity and speculation about the case.

Mr. O'Brien could not be reached for comment on the filing of the countersuit, but a spokesman for the Democrats called it "a rather frivolous effort to masquerade the main issue" of the attempted bugging

of the party's national headquarters.

In a related development, investigators for the House Banking and Currency Committee have reported that Mr. Stans personally approved an arrangement whereby \$100,000 in secret campaign contributions was routed through a Mexican bank to shield the contributors' identity.

The committee's report, which has not yet been made public, quotes William C. Liedtke, Mr. Nixon's Southwest regional finance chairman, as saying Mr. Stans approved the arrangement in a telephone conversation last April 3.

According to the report, Mr. Liedtke, an oil company executive who was in charge of Mr. Nixon's fund-raising effort in Texas, called Mr. Stans "to determine whether or not there were any legal problems" with transferring campaign contributions to a foreign bank before handing them over to the re-election committee.

A short time later, the report continues, Mr. Stans told Mr. Liedtke that it was "O.K. to bring the money to Washington."

About \$100,000 in contributions was eventually depos-

ited in the Mexico City account of Manuel Ogarrío, a lawyer, and returned to Mr. Liedtke on April 5 in the form of four checks totaling \$89,000 and 110 \$100 bills.

These funds were reportedly taken the same day, along with \$600,000 collected by the Nixon campaign in Texas, to the re-election committee's Washington headquarters.

The four checks from Mr. Ogarrío's account were deposited two weeks later in a Miami bank account controlled by Bernard L. Barker, one of the five men arrested at the Watergate.