

# Judge Allows Stans to Be Named in Spy Suit

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WASHINGTON, Sept. 20 —

A Federal Judge ruled today that Maurice H. Stans, President Nixon's chief campaign fund-raiser, who is also a former Secretary of Commerce, could be named by attorneys for Lawrence F. O'Brien as a defendant in a revised, \$3.2-million suit arising from the break-in last June 17 at the Watergate office building.

At the same time, however, the judge, Charles R. Richey of Federal District Court, granted a motion to dismiss an earlier civil action by Mr. O'Brien, the former Democratic party chairman, against five men arrested during the break-in at the Democratic National Committee's headquarters in the Watergate.

Mr. O'Brien's original complaint named only the five men arrested in the break-in. The amended complaint, which the Democrats attempted to file Sept. 11 in Federal District Court here and which was formally accepted by the court today, added—besides Mr. Stans—Hugh W. Sloan Jr., former Nixon campaign treasurer, and G. Gordon Liddy and E. Howard Hunt Jr., both former White House aides.

The Democrats are also seeking to include the Committee for the Re-election of the President and the Finance Committee to Re-elect the President as defendants in the suit. Judge Richey previously ruled that neither the Democratic nor the Republican campaign organization had the legal standing to sue or be sued, and he said today that he would reserve judg-

## But Court Dismisses Action Against Five Arrested in Watergate Break-in

ment on the Democrats' plea to reverse that ruling.

As a result of Judge Richey's dismissal today of the original suit, the amended complaint is the Democratic party's only remaining legal action in the matter.

The suit accused Mr. Stans and Mr. Sloan of having given Mr. Liddy \$114,000 in Nixon campaign contributions "for the purpose of financing the activities of the espionage squad" that allegedly carried out wiretapping and other surveillance operations against the Democrats during a six-week period last May and June.

Last week, a Federal grand jury indicted Mr. Hunt, Mr. Liddy and the five arrested men on charges of conspiring to obtain and use information gleaned from conversations of Democratic officials and from documents stolen from the party's files. But the eight-count indictment did not indicate how the operation was financed or to whom, if anyone, the stolen information was passed.

The \$144,000, in the form of five checks that Mr. Sloan has said he gave to Mr. Liddy, then general counsel for the Finance Committee to Re-elect the President, were later deposited in a bank account controlled by Bernard L. Barker one of the five men arrested at the Watergate last June.

The suit dismissed today by Judge Richey was an earlier

class action complaint filed by Mr. O'Brien, on behalf of all Democrats, charging Mr. Barker and the four others arrested in the break-in with trespassing and invasion of privacy.

Earlier this month, Henry B. Rothblatt of New York, attorney for the five defendants, moved to dismiss the complaint on the ground that Mr. O'Brien, who resigned as party chairman last July and later became chairman of Senator George McGovern's Presidential campaign, no longer had the necessary legal standing to sue on behalf of the broadly defined class.

The judge gave Mr. O'Brien's attorneys until Sept. 11 to file their reply to Mr. Rothblatt's motion, but they chose instead to reply with the amended suit that named Mr. Stans, contending that this made Mr. Rothblatt's motion moot.

The new suit narrows the class on behalf of which Mr. O'Brien is suing to include only those persons who conversed within the party's headquarters or talked by telephone to anyone there.

Edward Bennett Williams, Mr. O'Brien's attorney, had sought to include the names of the five defendants in the new complaint, but Judge Richey dismissed them as defendants in both actions on the technical ground that filing the amended suit had not been a proper response to Mr. Rothblatt's dismissal motion.

The judge cited Mr. Williams's failure to label the suit as an opposition to Mr. Rothblatt's motion, Mr. Williams's failure to ask the court's permission to file the amended suit.