

Judge Bars Watergate Secrecy Bid

4/13/73
By Raul Ramirez

Washington Post Staff Writer

U.S. District Judge Charles R. Richey rejected yesterday a request from Sen. Sam J. Ervin Jr. (D-N.C.) that a deposition from convicted Watergate conspirator James W. McCord Jr. be kept secret until Ervin's senate select committee completes its own probe of the bugging incident.

Richey labeled as "utter folly" Ervin's contention that the release of the deposition would "seriously impair" his Watergate investigating committee's ability to pursue leads based on McCord's statements.

In a statement released last night, Ervin said his request "provided no justification for Judge Richey's statement in open court criticizing the committee."

"The committee's concern was that such public disclosure might result in leads becoming fruitless and witnesses becoming unavailable," Ervin said.

Ervin said a committee staff member had telephoned Richey last week to request that McCord's deposition be kept secret and was instructed by the judge to write a letter about it.

"I deeply regret that Judge Richey chose to criticize me and the committee in open court for following his suggestion," Ervin said.

Richey is presiding over a civil suit filed by the Democratic National Committee against officials of President Nixon's re-election committee. The suit asks for \$6.4 million in damages.

"This Court will not allow either the legislative or executive branches of government to interfere with the conduct of any judicial proceedings pending before it," Richey said yesterday. "This is also a violation of the canons of ethics and the right of the parties to a fair trial without outside pressure or influence. I will not tolerate this from anyone."

He said that Ervin, a lawyer and former judge, "knows this to be correct."

"Moreover, the doctrine of the separation of powers is too deeply rooted in the historical foundation of our democracy to permit otherwise, and the Court is certain that the committee fully intends to respect and preserve that fundamental doctrine," Richey said.

Public disclosure about the Watergate case would be "carefully evaluated by a responsible press and a thoughtful public" and could even make the committee's work "much easier," Richey said.

"I don't think we would have a select committee in the first place were it not for the press," he said.

Samuel Dash, chief counsel for the Senate investigating committee on the Watergate incident, told the judge the committee's intent was not to "intercede or interfere or impede," but to protect its own investigation.

McCord is the former security chief of the President's re-election campaign and one of seven persons convicted in last June's Watergate break-in and bugging attempt. He has already testified in secret before Ervin's committee and a grand jury investigating the incident.

Kenneth Wells Parkison, attorney for the President's re-election committee, and Maurice R. Duney, lawyer for the Democratic National Committee, both told Richey they opposed keeping McCord's sworn pretrial testimony secret.

Meanwhile, the federal grand jury investigating the Watergate bugging and related matters continued yesterday to question former staff members of the Committee for the Re-election of the President.

Republican National Chairman George Bush told the Associated Press yesterday that President Nixon "fully understands the Watergate problem" and predicted he "will clear it up totally."

At least three former Nixon campaign staff members testified before the grand jury yesterday — Sally Harmony and Sylvia Panarites, both former

secretaries to convicted Watergate conspirator G. Gordon Liddy; and Powell Moore, a deputy press officer for the Nixon re-election committee and now a White House staff aide for congressional liaison.

The two secretaries were expected to be questioned about testimony McCord that Liddy told him plans for the Watergate bugging were approved during a February, 1972, meeting attended by former Attorney General John N. Mitchell, presidential counsel John W. Dean III, and Jeb Stuart Magruder, then deputy director of the Nixon campaign.

Investigators have reportedly concluded that Liddy, Mitchell, Magruder and Dean attended a meeting together in February, 1972, but thus far have been unable to corroborate that the Watergate bugging was discussed there. Mitchell, Dean and Magruder have repeatedly denied any prior knowledge of the bugging.

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