

Some Donors to Nixon Campaign Fund

By BEN A. FRANKLIN
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WASHINGTON, June 3—Disillusioned contributors to President Nixon's \$50-million re-election campaign fund are complaining that they were misled or betrayed by Mr. Nixon's fund raisers and that their money helped to pay for political crimes. Some are even demanding—and receiving—their money back.

One contributor has filed a class-action lawsuit in Federal Court here on behalf of all the more than one-million contributors to the 1972 campaign. The suit demands redistribution to the contributors of the remaining money in the campaign treasury, which has a surplus of \$4-million to \$5-million.

Meanwhile, a few small refunds—no more than “about a dozen”—have been made, according to De Van L. Shumway, a spokesman at the Committee for the Re-election of the President.

Mr. Shumway said that committee policy had been to return contributions on request. Most of those returned have been \$25 or \$50 gifts, he said.

An ‘Outraged’ Donor

In addition—for other reasons—the Republicans have returned since last March at least four major contributions totaling about \$950,000. The donors’ notoriety through criminal indictments or civil charges against them involving financial irregularities had proved a political embarrassment.

The class-action refund suit was filed May 23 by Matthew E. Duisen, a 72-year-old life-

long Republican contributor and two-time voter for Mr. Nixon. It is directed against the re-election committee and the Finance Committee to Re-elect the President and 11 former and present officials of the committees.

Mr. Duisen, a Roman Catholic, is the retired former owner of the Linen Service Company of St. Louis. In reference to the break-in at Democratic headquarters in the Watergate complex, he has told friends that he “could not be more outraged if the Archbishop opened a saloon.”

Although he gave less than \$100 to the 1972 campaign, Mr. Duisen, through his two St. Louis lawyers, Theodore F. Schwartz and Michael A. Gross, is asking District Judge June L. Green, an appointee of President Johnson, to do the following:

¶ Levy a total of \$1-million in exemplary, or personal punitive damages for misconduct against 11 individual leaders of the Nixon campaign. The 11 named include Mr. Mitchell, the first campaign chairman, who resigned after the Watergate burglary, and Maurice H. Stans, the chairman of the Finance Committee to Re-Elect the President, who was indicted last March along with Mr. Mitchell in the case of Robert L. Vesco, a G.O.P. contributor who has been a dependent in a government fraud investigation. The others named were Herbert W. Kalmbach, Mr. Nixon's personal lawyer in Los Angeles and a top solicitor of concealed Watergate funds; Clark Magregor, who followed Mr. Mitchell as Nixon campaign chairman; Jeb Stuart Magruder, their former deputy; Hugh W. Sloan Jr.,



The New York Times/Ken Winn
Matthew E. Duisen, Republican of St. Louis, filed contributions suit.

Mr. Stans's finance committee treasurer; G. Gordon Liddy, the former counsel to the re-election committee and a convicted Watergate conspirator, and four lesser Nixon campaign aides, Herbert L. Porter, Fred V. Malek, Frederick C. Larue and Robert Odle Jr.

Force the named officials to make to the court a full, public accounting of all their “illegal” disbursements of Nixon campaign funds, to be followed by a court-ordered, personal repayment by them to the committees of “all sums of money wrongfully and illegally misap-

propriated” for espionage, sabotage and wiretapping.

¶ Offer to return to all Nixon donors whose names appear in the committees’ contributor records a pro rata share of the funds that the named defendants are charged with obtaining by “fraudulently and deliberately misleading and tricking” Republican donors through “appeals designed and calculated to instill confidence and patriotism.”

¶ Preserve the refund kitty by lawyers from voluntarily settling out of court the \$6.4-million damage suit filed by the Democratic National Committee as a result of the break-in at Democratic headquarters in the Watergate complex on June 17, 1972.

No G.O.P. Comment

A Nixon campaign spokesman declined to comment on the suit.

Mr. Duisen's complaint says that these contributors relied in good faith on the fact that the Nixon re-election organization was being run “by persons of national prominence” and were, as a result, “induced” to give their money for the “sole purpose” of lawfully re-electing President Nixon.

But according to the complaint, the individual defendants “clandestinely, secretly and in utter disregard of their fiduciary obligations as officers, directors, managers and agents of the defendant committees embarked upon plans, schemes and artifices to misappropriate and misapply funds for the purpose of political espionage and sabotage, spying, burglary, bugging, wire tapping, electronic surveillance and bribery, and further for the purposes of cover-up, concealment and obstruction of justice.”

The refunds can be made,

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Demanding — and Getting — Refunds

Mr. Duisen says, because the defendants collected money far in excess of amounts “legally and lawfully expended.” Since Mr. Nixon is constitutionally barred from running again for President, the suit says, he now has no need of any campaign funds in any case.

Communication With Stans

The Duisen suit is the most pointed and comprehensive reaction of rank-and-file Republican outrage concerning the Watergate disclosures. But it is not the first.

William H. Radebaugh, a public relations man for I. E. du Pont de Nemours & Co., in Wilmington, Del., for example, has disclosed to newsmen that he wrote to Mr. Stans last August demanding the return of

a \$25 contribution on grounds that the activities of the Committee for the Re-Election of the President were casting “discredit” on Mr. Nixon's candidacy.

In a reply returning the money dated Sept. 5, 1972—a note that appears to be a form letter—Mr. Stans wrote Mr. Radebaugh that he was “surprised and disappointed” that “the tremendous distortions in the liberal press of events affecting this committee have been persuasive in your case.” The Stans letter concluded:

“As a Nixon supporter, I should think that by now you would have learned to differentiate between political carping by the media and actual facts . . . as the true facts surrounding reported incidents involving this committee are even-

tually revealed, I am sure you will be reassured.

Mr. Radebaugh said in an interview that since September he had not been reassured. Calling himself a “former lifelong Republican—worse than that, a former Southern Republican,” he said “you are now talking to an independent who believes that President Nixon should resign. I am through with Nixon. No matter who is guilty and who is innocent of what, I don't want to have anything to do with people like that. And it's getting worse and worse every day.”

Mr. Shumway, at the re-election committee, said today that the refund requests were “so insignificant that no one at the committee has done a study of whether they have increased in recent months.”