

# Calendar Lists Man Dean

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John N. Mitchell's appointments calendar shows that he met 10 times last summer with a man accused by John W. Dean III of having tried during that period to influence U.S. District Court Judge Charles R. Richey in Watergate-related civil cases.

The calendar, turned over by former Attorney General Mitchell to the Senate select committee on the Watergate and made public yesterday, does not indicate the subjects discussed at any of the meetings and Mitchell was not questioned about them.

Committee sources said they believe the 10 meetings involving Mitchell, H. Roemer McPhee and others involved discussions of efforts to influence Richey.

McPhee, at the time of the meetings, was general counsel to the Republican National Finance Committee. He continues to hold that post. He did not hold any position with the Nixon re-election committee. He also has served as a legal adviser to various GOP campaign organizations.

In testimony before the Watergate committee on June 25, Dean, the former counsel to President Nixon, testified that:

"... I learned during a meeting in Mitchell's office that Mr. Roemer McPhee was having private discussions with Judge Richey regarding the civil suit filed by the Democrats.

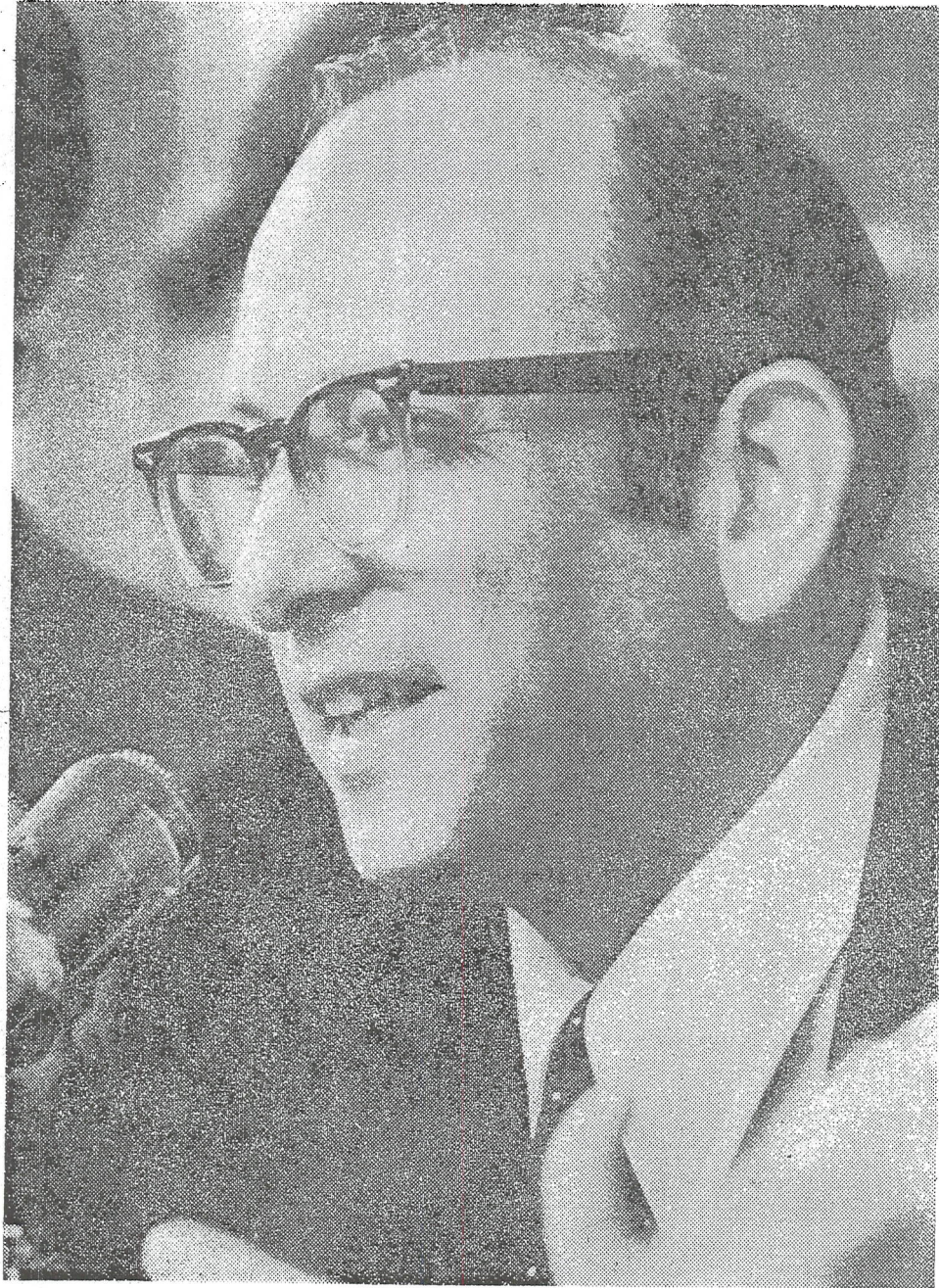
"... I was told by (Nixon re-election committee attorney Kenneth Wells) Parkinson and later McPhee that Judge Richey was going to be helpful whenever he could. I subsequently talked with Mr. McPhee about this as late as March 2 of this year, when he told me he was going to visit the judge in the judge's rose garden over the weekend to discuss an aspect of the case."

Richey, at the time of Dean's testimony, called Dean's allegations "sheer poppycock, ridiculous."

Richey said that McPhee, his close friend and neighbor in Potomac, "would know better than to try" to discuss a pending case with him. Richey said yesterday that he stood behind his earlier statement.

McPhee yesterday acknowledged being present for meetings with Mitchell, but refused to comment on what was discussed. McPhee said he "had a completely innocent role in all of this" and had "never had any discussion" with Richey about the civil suit.

Sources close to Mitchell said yesterday that the meetings involved strictly "political talks." Committee



By James K. W. Atherton—The Washington Post

Committee counsel Samuel Dash questions former Attorney General John N. Mitchell.

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## Accused

sources said that Mitchell had refused to tell what the meetings with McPhee involved when he was questioned about them in a private session. Sources said that each time the matter of the meetings with McPhee was brought up, Mitchell "just laughed" and said it was preposterous for the interrogator to ask such questions.

The appointment calendar also shows that Mitchell was in close contact with campaign officials after July 1, 1972, the date he resigned as chairman of the Nixon campaign. Mitchell testified yesterday that he resigned from the committee to save

his marriage—not because of the Watergate scandal, which occurred two weeks before his resignation. At the time, he said he would be available as an adviser to the committee.

Mitchell's calendar indicates, however, that he was as busy after he left the Nixon committee as while he was there, or busier. In his three months as chairman of the committee, his calendar shows 219 appointments—or 2.4 a day—compared to 189 appointments between July 1 and Sept. 15—or almost 2.5 a day. Mitchell listed only 74 phone calls for April, May and June of last year and 102 calls between July 1 and Sept. 15. Virtually all of the appointments and calls were with White House or campaign committee officials.

The appointment calendar furnished by Mitchell to the committee covers the period from Jan. 1, 1972, to Sept. 15, 1972, and January through May, of this year.

McPhee's name does not appear on the calendar until an Aug. 7 meeting with Mitchell.

This meeting occurred seven weeks after the Democratic National Committee and party officials had filed a civil suit seeking \$1 million in damages from the Committee for the Re-election of the President. (The suit has since been amended several times; the Democrats currently are seeking \$6.4 million.)

In the weeks that followed that first meeting, there were others involving

McPhee and Mitchell that were closely linked in time to key developments in the civil suit. A chronology of the meetings and some of these developments in the civil suit follows:

- Aug. 11—Richey enters an order dismissing the re-election committee as a defendant and the Democratic National Committee as a plaintiff, but allows the suit to continue involving individual plaintiffs and defendants.

- Aug. 15—Democratic lawyers note their intent to take depositions from prominent Republican officials, including Mitchell.

- Aug. 17—Mitchell meets with McPhee, re-election committee attorney Paul L. O'Brien and Robert C. Mardian, former assistant attorney general in charge of the internal security division.

- Aug. 21—Richey orders that all depositions be taken under seal and not publicly released.

- Aug. 24-31—Many depositions taken.

- Aug. 28—Mitchell calls McPhee at 10 a.m. Later that day, at 4 p.m., Mitchell meets with McPhee, re-election committee attorney Parkinson and Maurice Stans, the former Commerce Secretary who was then chairman of the Finance Committee to Re-elect the President.

- Sept. 1—Mitchell meets with McPhee and Parkinson. That same day, Mitchell walks out of a session at which he was to give a deposition.

- Sept. 2—Richey orders Mitchell to give a deposition three days later. Richey also halts the taking of depositions from the five persons accused at that time of the Watergate break-in.

- Sept. 5 — Democrats note their intentions to take more depositions from Republican officials and Nixon committee employees.

- Sept. 6—Common Cause files suit, seeking disclosure of contributions to the Nixon campaign before April 7, the date a new disclosure law went into effect.

- Sept. 7—Mitchell meets with McPhee, Stans, O'Brien and Parkinson.

- Sept. 12—Richey says he's seriously considering dismissing the Democrats' suit because Democratic attorneys missed a deadline for filing an answer to a GOP attorney's motion. The same day, Richey halted the taking of further depositions in the case.

- Sept. 13 — Mitchell meets twice with McPhee. The first meeting includes Mitchell aide Frederick LaRue, Mardian, Stans, Parkinson and O'Brien. The second meeting included the same persons, plus others, including White House aide Richard A. Moore. The same day, Stans files a countersuit against the Democrats.

- Sept. 14 — Mitchell meets with McPhee, Dean, O'Brien, LaRue, Stans and Parkinson. The same day, Stans files a \$5 million libel suit against Lawrence O'Brien, the Democratic national chairman.

- Sept. 15—Indictments are returned against seven persons in the Watergate break-in and bugging. The same day, Dean meets with President Nixon, according to Dean's testimony, and the President tells him to keep a list of unfriendly reporters for possible retaliation after the election.

- Sept. 19—Nixon committee attorneys note the depositions they are seeking—including those from reporters at The Washington Post, the Washington Star-News, The New York Times and Time magazine. (In early 1973, Richey ruled that such depositions did not have to be given.)

- Sept. 20—Richey grants the re-election committee motion to dismiss the original Democratic suit, but allows Democrats to file an amended suit.

- Sept. 21—Richey shuts off the civil suit until after the criminal trial. He orders a halt to the taking of further depositions, thereby preventing any information from the civil suit from becoming public before the Nov. 7 election. Democratic attorney Joseph A. Califano Jr. agrees with Richey that it would be impossible to bring the case to trial before the election and said Richey had made an "absolutely extraordinary attempt" to do so.

Califano said yesterday that while he had agreed with Richey that the case could not come to trial before the election, he had strongly opposed the halting of the taking of depositions. That ruling, Califano said, "was the critical judgment that day."

Parkinson, reached for comment yesterday, said the meetings he attended with Mitchell and McPhee related strictly to the civil suits and involved no discussion of trying to influence Richey. Parkinson said he recalled McPhee telling him that he (McPhee) was a friend of Richey, but nothing more.

Parkinson said there was "genuine concern" that Richey, as a Republican appointee, "might bend over backward to be fair, to show he wasn't favoring the Republicans" and, in so doing, hurt the GOP in the suit.

McPhee, Parkinson said, helped Stans prepare his libel suit and was also an expert on campaign finance law, so was needed in discussions of the Common Cause suit.

Mitchell's calendar shows more than 450 appointments and 250 phone calls during the Jan. 1-Sept. 15 (1972) period. Entries in 1973 were fewer and often had question marks after them, indicating an apparent uncertainty as to whether certain calls or appointments actually occurred.

In the three months after the June 17, 1972, Watergate arrests, the calendar shows, Mitchell was in frequent contact with White House officials, including three meetings and two phone conversations with Mr. Nixon. Dean, however, was the most frequent White House contact in the post-Watergate period, with 25 meetings and 27 phone calls, the calendar shows. From January to June 16, 1972, Dean and Mitchell had met just six times and had 15 phone conversations, according to Mitchell's logs.