

# White House Used Courts, A.C.L.U. Report Charges

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WASHINGTON, June 17—In a report submitted today to the Senate Judiciary Committee, the American Civil Liberties Union sought to show that the Nixon Administration had subverted the Federal justice system to its own purposes as part of the Watergate cover-up.

The 160-page document is drawn exclusively from public information and is an interpretation of that information by Charles Morgan Jr., director of the A.C.L.U.'s Washington office.

The report dwelt at length on the possibility that Charles R. Richey, a United States District Judge for the District of Columbia, had been improperly influenced in his actions in a civil suit brought against Mr. Nixon's re-election committee.

Mr. Morgan said that John W. Dean 3d, then the President's counsel, correctly predicted, in a meeting with Mr. Nixon and H. R. Haldeman, then the White House chief of staff, that Judge Richey would halt the taking of pretrial depositions in the civil suit, and was even able to tell the President when the judge would act.

## Sept. 15 in Oval Office

The report cites transcripts of the Sept. 15, 1972, conversation in the Oval Office as evidence of Mr. Dean's advance knowledge. The deposition process was stopped by Judge Richey six days later.

The report also points out that Mr. Dean indicated that the judge's decision had grown out of a "casual encounter" between the judge and Earl J. Silbert, then principal assistant United States attorney for the District of Columbia who headed the Watergate investigation and prosecution. Mr. Dean reported to the President that Mr. Silbert had complained to the judge that preparation of indictments in the Watergate case had been complicated by the continuing pretrial discovery in the civil matter.

Neither Judge Richey nor Mr. Silbert could be reached today for comment. However, when they were asked about the contact last month, the judge denied that it had taken place and Mr. Silbert declined to discuss it.

Several key Watergate figures were scheduled to give depositions at the time of the judge's ruling.

"But the justice system failed and they were not then deposed," the A.C.L.U. report said. "As events developed, no further depositions were taken until after the election."

Mr. Morgan also details a series of events controlled by Judge Richey that, Mr. Morgan implied, made it possible for Maurice H. Stans, former chairman of the Finance Committee to Re-elect the President, to file a viable libel suit against Lawrence H. O'Brien, former Democratic National Chairman.

The judge invoked a technicality is not allowing an amended complaint to be filed

against the re-election committee. The complaint, which was later accepted by the judge, was made public at the time of the attempt to file it and for nine days its contents were not privileged because it was not an official court document.

Mr. Stans based his libel suit on allegations made against him in the amended complaint. Mr. Morgan suggests in the A.C.L.U. report that the libel action was legitimized by Judge Richey's ruling on the amended complaint.

The contents of the amended complaint were made public on Sept. 11, 1972, but the complaint was not accepted by Judge Richey until Sept. 20. On Sept. 12, Mr. Dean submitted a memorandum to Mr. Haldeman proposing that Mr. Stans file a libel action based on allegations in the amended complaint.

The memo, which was reviewed by the President, cautions,

"Once filed, the amended complaint, as a court document, would acquire at least a qualified protection or 'privilege.' As a privileged document the words contained would be legally protected and, so protected, could not provide the basis for a libel suit."

Throughout this period, according to the A.C.L.U. report, Mr. Dean was aware that "Stans's lawyer-friend," H. Roemer McPhee, a Washington lawyer, "was having private discussions with Judge Richey regarding the civil suit."

The report also pointed out that Mr. Dean, in the Sept. 15 meeting, told the President that the judge had said to Mr. McPhee, "Maury ought to file a libel action."

"Did he?" Mr. Nixon responded, according to the transcripts, and Mr. Haldeman laughed. Then the President said, "Good."

Mr. Haldeman asked if Judge Richey could deal with the Stans libel case concurrently with the O'Brien damage suit.

"Yeah," Mr. Dean answered. "Indeed, President Nixon's in-court counter-offensive was under way," Mr. Morgan concludes. "And the Sept. 15th Oval Office colloquy awaits investigation."