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**JUDGE SUGGESTS
A TEST OF PARDON**

**Richey Says Public Interest
Might Benefit by McCord's
Challenge to Ford Action**

By ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, Sept. 23—A Federal District Court judge said today that it might be "desirable" to test the "validity" of the pardon of former President Richard M. Nixon and the agreement on the disposition of his White House tapes an documents.

Judge Charles R. Richey said that such a test might be in the public interest, but he put off action on a suit by James W. McCord Jr., one of the Watergate burglars, challenging the pardon and tapes agreement until after a jury was chosen and sequestered in the Watergate cover-up conspiracy case.

"The questions raised in that suit are very substantial," Judge Richey said.

He added that "the thought occurred to the court" during the weekend following the filing

Continued on Page 23, Column 1

Continued From Page 1, Col. 7

of the suit last Friday that "it might be desirable to have at least one trial court resolve whatever questions are extant with respect to the validity of the agreement and with respect to the validity of the pardon."

However, in view of the Oct. 1 trial date for the cover-up trial before Judge John J. Sirica, Judge Richey delayed action on Mr. McCord's suit and on subpoenas calling for Presidential tapes in two other civil suits.

Meanwhile, there were these other Watergate-related developments:

The Supreme Court received requests from H. R. Haldeman, the former White House chief of staff, and Gordon C. Strachan, a former aide to Mr. Haldeman, to delay the cover-up trial, in which they are among the defendants. Mr. Haldeman's request was turned down by Associated Justice William J. Brennan Jr., acting for Chief Justice Warren E. Burger, who is hospitalized following a bicycle accident. The Court did not rule immediately on Mr. Strachan's motion.

The Watergate special prosecutor, Leon Jaworski, said that he planned to play segments from 30 tapes to the jury in the cover-up case and estimated it

would take 18 hours for the jury to hear them.

Another of the defendants, former Attorney General John N. Mitchell, said he would oppose the playing of the tapes without stringent rules for authenticating and handling them.

Former Treasury Secretary John B. Connally, charged with bribery, asked to have his trial moved to San Antonio, Tex., for the convenience of witnesses and because, he alleged he could not receive a fair trial in Washington.

Mr. Mitchell submitted 92 questions to be asked of prospective jurors, including what they thought about Mr. Nixon's pardon, the Vietnam War and honesty of Government officials. Another suggested question was, "Have you ever heard of the incident called 'Watergate?'"

Judge Richey's recommendation that the pardon and tapes agreement be tested in court came at a hearing on two suits left over from the large number of civil suits filed following the break-in at Democratic national Headquarters at the Watergate Office Building on June 17, 1972.

In one of the suits, R. Spencer Oliver, executive director of the Association of State Democratic Chairmen, is seeking \$5-million in damages from the Committee for the Re-election of the President, charging invasion of privacy. His phone was tapped at the Watergate.

In the other, Mr. McCord is suing his former co-defendants for \$1.5-million, charging he was misled and duped into taking part in the Watergate burglary.

Both men had subpoenaed a number of tape recordings, intending to search them for evidence in their cases. Mr. McCord is seeking all tapes of January, 1973, and Mr. Oliver the tapes of May 26 to June 21, 1972. The New York Times had previously reported in error that they were seeking four months of tapes.

In his other suit last Friday, Mr. McCord challenged the pardon and the agreement between Mr. Nixon and Arthur Sampson, head of the General Services Administration, giving Mr. Nixon ultimate control of the tapes.

The former President's pardon, Mr. McCord stated, imputed guilt to Mr. McCord and hurt his chances of appeal of his burglary conviction. He added that it deprived all Americans of "the right to expect that wrongdoing by persons in public positions of trust will be exposed and that justice will be done."



Associated Press

Judge Charles R. Richey

Mr. McCord also charged that pardons were specifically prohibited "in cases of impeachment," that the pardon of Mr. Nixon was an illegal amnesty and that it illegally limited the scope of Mr. Jaworski's investigation.

He said that Mr. Sampson had no legal authority to sign the tapes agreement.

Judge Richey said repeatedly that he did not wish to do anything to interfere with the cover-up trial and would rely on White House assurances and those of Mr. Nixon's lawyer, Herbert J. Miller Jr., that the tapes would not be moved or destroyed.