

Mitchell Note Reveals Data Destruction

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Before resigning as President Nixon's campaign manager two weeks after the Watergate break-in arrests of June 17, 1972, former Attorney General John N. Mitchell apparently destroyed "personal communications on campaign" from Mr. Nixon and former White House chief of staff H. R. Haldeman, according to Mitchell's own handwritten notes.

The notes, a copy of which has been obtained by The Washington Post, represent the first indication that communications from either the President or Haldeman might have been destroyed following the Watergate arrests.

Written on a legal pad, apparently in preparation for Mitchell's testimony before the Senate Watergate committee last June, his notes say at one point:

"When I left Committee (7/1) the only documents that were destroyed were personal communications on campaign from R.N. and HRH.

"All other campaign documents were left in office taken over by MacGregor with exception of material on State Committees which was forwarded to State Coordina-

See MITCHELL, A6, Col. 1

MITCHELL, From AI

tors." Clark MacGregor was Mitchell's successor as manager of the Nixon campaign.

Mitchell's notes offer no hint of what the destroyed documents might have said or if they were in any way related to Watergate.

Although the Senate Watergate hearings produced extensive testimony about the destruction of documents related to the Watergate break-in and Nixon campaign contributions, no testimony was developed suggesting that any material from the President or Haldeman was destroyed at any time.

Sources close to the Senate committee's investigation said

yesterday that they were unaware of the existence of the Mitchell notes.

Similarly, other sources said the Watergate special prosecutor's office had not learned of the Mitchell notes or any other evidence suggesting that documents from Mr. Nixon or Haldeman were destroyed or that Mitchell knew of their destruction.

Mitchell, Haldeman and four other former presidential aides were indicted in the Watergate cover-up last March 1 by the same grand jury that named President Nixon as an unindicted coconspirator in the case.

In addition to declaring his innocence in the cover-up, Mr. Nixon has denied any foreknowledge of the Watergate

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A copy of notes obtained by The Post telling of campaign document destruction.

bugging operation and has repeatedly stated that he was too busy with other duties to become involved in his re-election campaign.

Informed by The Washington Post of the existence of the notes, Mitchell's attorney, William G. Hundley, responded:

"Mitchell has never intimated anything like that—destroying any documents from Nixon or Haldeman ... This is the first I've ever heard of it. He never mentioned it.

"I know what his practice was," Hundley said. "As things came up (in testimony) he'd make notes on a yellow legal pad and then we'd go over it, but I never saw this."

Later, after discussing the

matter with Mitchell, Hundley said: "He doesn't have any recollection of putting this down (on paper)." Asked whether Mitchell remembered destroying documents from Haldeman or Nixon, Hundley added: "He has no recollection of it one way or another."

Other sources familiar with Mitchell's handwriting said the copy of notes obtained by The Washington Post are written in the former Attorney General's hand.

The copy contains several pages that, judging from their content, appear to have been written around the time of Mitchell's testimony before the Watergate committee.

Unlike some other sections

of the notes, which are merely summaries of the testimony of others, the reference to the destruction of records occurs in a portion in which Mitchell appears to be reconstructing his own version of events.

Senate committee sources virtually ruled out any other explanation because of the absence of any testimony or even unsworn assertions that documents from the President and Haldeman had been destroyed at the re-election committee.

Although considerable testimony at the Senate hearings concerned the destruction of documents an examination of the record indicates that Mitchell was never specifically directed to answer whether

communications from Halde-
man or the President were de-
stroyed.

Most of the testimony about
the destruction of records con-
cerned the files on
"Gemstone," the code name
assigned to the Watergate
bugging operation. Those files
included the transcripts of
conversations wiretapped in
the bugging operation.

According to testimony by
two campaign officials who
have since pleaded guilty to
charges arising from the
Watergate cover-up—Jeb
Stuart Magruder and Fred C.
LaRue—it was Mitchell who
ordered the Gemstone files de-
stroyed, by suggesting that
they be consumed in a bonfire.

During his Senate testi-
mony, however, Mitchell de-
nied the allegation, at which
point Sen. Lowell Weicker
asked him:

"Did you suggest that any
documents be destroyed, not
necessarily Gemstone?"

The following interchange
then took place:

Mitchell: To the best of my
recollection—

Weicker: At the June 19
meeting at your apartment did
you suggest that any docu-
ments be destroyed, not neces-
sarily Gemstone or not neces-
sarily documents that relate to
electronic surveillance?

Mitchell: To the best of my
recollection when I was there
there was no such discussion
of the destruction of any docu-
ments. That was not the type
of a meeting we were having.

The hearing record indi-
cates that the questioning
never returned to whether
such documents might have
been destroyed at another
time.

According to Mitchell's own
testimony, he attended three
meetings at which plans to
bug the Democrats were dis-
cussed, but on each occasion,
Mitchell has insisted, he "shut
off" such plans.

And at no point before
March 21, 1973—the date Pres-
ident Nixon has said he first
learned of the Watergate
cover-up—did Mitchell inform
the President of any such
plans, according to the former
Attorney General's testimony.

During his appearance be-
fore the Watergate committee,
Mitchell testified that he had
only two discussions about
Watergate with the President:
the first in a telephone con-
versation June 20, 1972, and
the second on March 22, 1973.