

Mitchell Clings to His Story on Watergate Under Tough Examination by Prosecutor

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WASHINGTON — The defendants in the Watergate cover-up trial have had a sample of what it's like to be on the hot seat, and it can't be very reassuring.

Four more former White House or Nixon campaign aides—and possibly even former President Nixon himself, if a doctor's report due today should say he's well enough to testify—can look forward to the same kind of merciless cross-examination that former Attorney General John Mitchell underwent Wednesday.

It was the first courtroom attempt by James Neal, the head of the prosecution's trial team, to shake the denials of a Watergate defendant and it was a dramatic performance. Mr. Mitchell, slouching away from the microphone and testifying in a flat voice, stuck to his past assertions that he hadn't done anything illegal, but in the process the long-faced defendant had to directly contradict testimony of at least four previous witnesses and explain his own contradictory past statements with complicated rationales.

Mr. Neal, who has a reputation as a fighter, was at his most tenacious. In his best Tennessee country-boy drawl, the prosecutor repeatedly pointed out that Mr. Mitchell, who was Mr. Nixon's campaign director at the time of the June 17, 1972, Watergate break-in, also was a Wall Street lawyer and former Attorney General—"the highest law enforcement officer in the land." Yet, Mr. Neal wrung from Mr. Mitchell the concession that he hadn't volunteered to prosecutors what he knew about the Watergate affair back in 1972 "for the very obvious reason I wanted Mr. Nixon re-elected."

Haldeman Starts Defense

The other defendants aren't former Attorneys General. But all except H. R. Haldeman, the former White House chief-of-staff who begins his defense today, are lawyers, and the prosecutors are sure to emphasize that they held positions of high responsibility. Nor can it be much comfort that Mr. Neal may leave some of the cross-examination to other assistant special prosecutors on the trial team, such as Richard Ben-Veniste and Jill Wine Volner.

Mr. Ben-Veniste, an aggressive ques-

tioner, probably has drawn the most emmity of all from defense attorneys, who have accused him of "smirking" during some of the testimony. Mrs. Volner became well known a year ago for her relentless cross-examination of Rose Mary Woods, Mr. Nixon's personal secretary, at the hearings on the 18-minute erasure in a key Watergate tape recording.

In addition, when the defendants take the stand in their own defense, they face the possibility of cross-examination by the unpredictable presiding judge, John J. Sirica, who pressed Mr. Mitchell on the subject of "hush money" earlier this week.

Defense attorneys, who privately concede that Mr. Neal is doing a superb job and, indeed, has a very strong case, were clearly worried on Wednesday, particularly when Mr. Mitchell was being forced to say that earlier witnesses had lied or testified incorrectly. They protested that Mr. Mitchell's credibility affects others charged in the conspiracy case and insisted that it was the jury's job to decide who was telling the truth. The attorney for Mr. Haldeman, who, in denying the charges against him, will have to contradict some implications of the White House tapes as well as statements of live witnesses, said he didn't want a precedent set allowing Mr. Neal to ask defendants to comment on the credibility of others.

Hope for Sympathy

Perhaps one thing the defense can hope for is that the tough questioning will appear to reach the point of bullying, and will thus prompt some sympathy from the jury. However, Mr. Neal's drawl and the ordinary-folks-type outrage and incredulity he expresses may well blunt the effect: Why didn't Mr. Mitchell fire G. Gordon Liddy, the architect of the Watergate bugging scheme, after his initial proposal for a "one-man crime wave?" inquired Mr. Neal.

The prosecutor even resorts to poetry occasionally, quoting Alexander Pope during a legal argument Monday and making a veiled reference to the Bible Wednesday. Speaking on the three meetings at which Mr. Mitchell says he rejected Liddy's bugging plan, Mr. Neal intoned, "like one of the famous books, thrice he came to you. . . ." That prompted Mr. Mitchell's lawyer, William Hundley, to protest, "This is supposed to be cross-examination, not poetry."