

HEARING IS TOLD THAT MAGRUDER HAD FILE MOVED

He Acted Soon After Break-In at Watergate, Says First Witness to Be Heard

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WASHINGTON, May 17—The develop evidence of high-level involvement in a cover-up immediately after the arrests. Mr. Odle, the 28-year-old former director of administration at Nixon headquarters, also said that John N. Mitchell took part in making political decisions while he was still the Attorney General.

The file was taken from the office of the deputy director, Jeb Stuart Magruder, late on the afternoon of June 17 for "security" reasons, according to Robert C. Odle Jr., another campaign official.

Mr. Odle was the first witness before the Senate hearing, which was televised nationally. He said that he had not read the file but added, "I suspect that things which have no place in a political campaign were in it."

Mr. Odle testified that he returned the file to Mr. Magruder upon his return to Washington two days later, but so far as is known the documents contained in it have never been found by investigators.

Two Others Heard

The Senate committee also heard two other witnesses in starting the hearings, which are expected to continue off and on into the fall and to have a major impact on American politics and Government.

The panel, under Senator Sam J. Ervin Jr., Democrat of North Carolina, is investigating the plot to spy on the Democrats last year and an alleged Administration effort to cover up the conspiracy.

The public sessions began in the Caucus Room of the Old Senate Office Building, which was packed by spectators and reporters.

The committee sought a slow start, apparently to provide background for people not too familiar with the scandal and to allay fears in some quarters that its hearings would be a sensational "circus."

The initial witnesses talked in detail about the organizational structure of the Nixon campaign any of the White House and about the arrest of five conspirators in the offices of the Democratic National Committee in the Watergate complex.

But Mr. Odle was questioned closely about Mr. Magruder's file, suggesting that the Senate committee was attempting to

develop evidence of high-level involvement in a cover-up immediately after the arrests.

Mr. Odle, the 28-year-old former director of administration at Nixon headquarters, also said that John N. Mitchell took part in making political decisions while he was still the Attorney General.

This appeared to conflict with testimony by Mr. Mitchell in March, 1972, when he appeared before the Senate Judiciary

Excerpts from Ervin hearing will be found on Page 18.

Committee during its hearings on the International Telephone and Telegraph Corporation.

The former Attorney General was asked then by Senator Edward M. Kennedy, Democrat of Massachusetts, about his "party responsibilities" before his resignation from the Cabinet on March 1.

"I do not have and did not have any responsibilities, and I have no party responsibilities now, Senator," Mr. Mitchell said. He had not yet started working as Mr. Nixon's campaign director.

Tells of Memos

Mr. Odle testified that "decision memos" had been sent to Mr. Mitchell at the Justice Department, and that Mr. Mitchell was involved in "major campaign decisions" as early as 1971.

The question of the file that had been removed from Mr. Magruder's desk was first raised by Senator Lowell P. Weicker Jr., Republican of Connecticut, and was then pursued by Senator Howard H. Baker Jr., Republican of Tennessee, and other members of the committee.

The Senators were at times openly incredulous about Mr. Odle's insistence that he had never examined the file, which was described as a legal-sized, light gray folder about an inch and a half thick.

Finally, Senator Joseph M. Montoya, Democrat of New Mexico, asked the young campaign official, "Are you a very curious man, Mr. Odle?"

The spectators laughed, but Mr. Odle replied:

"I wasn't curious enough to read it that weekend. I was more curious to read the Washington Post to find out what

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was going on down at the [Nixon] committee."

Senator Baker, who is vice chairman of the committee, pressed Mr. Odle on whether the file had held memorandums dealing with wiretaps on Democratic party telephones, material with the code name "Gemstone." There was this exchange:

SENATOR BAKER. Do you have any information, did you have any information at that time, about the content of that file that might relate to that document, Gemstone?

Mr. Odle. No, sir.

Q. Did you ever later learn what was in that file?

A. No, not until very recently.

Q. Well, do you know now what was in it?

A. Well, I can speculate what was in it.

Q. You suspect that the Gemstone material was in it?

A. I suspect that things which have no place in a political campaign were in it, yes, sir.

Mr. Magruder and other officials of the Committee for the Re-election of the President, were in California on the weekend the arrests occurred, and Mr. Odle had explained that he and Robert Reisner, an assistant to Mr. Magruder, talked by telephone with Mr. Magruder.

Mr. Magruder wanted certain files taken from his desk for safekeeping, according to Mr. Odle, and these were selected by Mr. Reisner. Some dealing with "advertising" were taken by Mr. Reisner, the witness said.

Mr. Odle said that he could not explain how the files had been chosen or why the one particular folder had been given to him. He said, however, that Mr. Reisner's briefcase was

filling up with the "advertising" files.

Mr. Magruder, who is believed to be among those under close scrutiny by a Federal grand jury now investigating the conspiracy, returned from California on Monday, June 19.

Mr. Odle, who said that he had kept the briefcase containing Mr. Magruder's file in a closet at his home, took it back to the committee and returned it to Mr. Magruder when he asked for it on Monday.

Both Mr. Magruder and Mr. Reisner are scheduled to appear before the committee later.

Senator Ervin, a White-haired, 76-year-old man whose Southern drawl is pronounced, strolled into the Caucus Room a minute before 10 A.M., posed for pictures briefly and rapped his gavel three minutes later.

With glasses perched near the end of his nose, he then read an opening statement in which he said that the com-

mittee was determined to uncover all the relevant facts "and to spare no one, whatever his station in life may be."

"If the many allegations made to this date are true," he said, "the burglars who broke into the headquarters of the Democratic National Committee at the Watergate were in effect breaking into the home of every citizen of the United States."

"And if these allegations prove to be true, what they were seeking to steal was not the jewels, money or other property of American citizens, but something much more valuable—their most precious heritage, the right to vote in a free election."

Senator Ervin said that since the break-in a "mood of incredulity"—he stumbled over the word, smiling at his difficulty—had prevailed, and that it was the committee's job to "allay the fears being expressed by the citizenry."

The chairman's 11-minute opening was followed by a similar statement by Senator Baker.

He asserted that it was "the American people who must be the final judge of Watergate."

"It is the American people who must decide, based on the evidence spread before them, what Watergate means about how we all should conduct our public business in the future," the Republican Senator said.

But he stressed, and several other committee members made similar remarks, that the committee was not sitting as a court or as a jury, and that it would not engage in a partisan study.

"We do not sit to pass judgment on the guilt or innocence of anyone," he said.

Briefer statements were made by the five other Senators, and at 10:32 A.M. Mr. Ervin stood with his right hand

raised to swear in the first witness.

Mr. Odle, carefully groomed and conservatively dressed, was articulate and self-assured and seemed to work at appearing helpful. His poise was shaken, however, under the questioning of Senator Edward J. Gurney, Republican of Florida. Both men concentrated on the Magruder file.

None of the Senators asked Mr. Odle how he had known which of the several similar files in his briefcase to return to Mr. Magruder without looking inside the folders.

But several frequent observers of Congressional hearings thought that the questioning today showed more careful preparation than usual, and that there was less repitition for the most part.

Mr. Odle's testimony brought laughter on a number of occasions, and he seemed to appreciate the humor.

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he used with some zest the Nixonian cliché, "Now let me make a couple of things perfectly clear."

He described hearing about the Watergate burglary this way:

" . . . Somebody came by the door and said, 'Have you heard there's been a burglary at the Democratic National Committee?' I said, 'That could never happen here, because I have this guy working for me named Jim McCord, and he has got this place really tight, and all I can say is, I am glad McCord works for me.'"

McCord, one of the arrested men, was security director for the Nixon campaign committee. He is scheduled to testify at the hearing tomorrow.

Mr. Odle was followed to the stand by Bruce Kehrli, a young special assistant to the President, who testified about the White House structure. He, like

charts showing various positions lettered in black ink on a yellow background.

The committee avoided questioning Mr. Kehrli about his role in opening a White House safe that had been used by E. Howard Hunt Jr., one of the men who pleaded guilty in the conspiracy.

While much of the material found in the safe was later turned over to agents of the Federal Bureau of Investigation, some of it was not. The F.B.I.'s former acting director, L. Patrick Gray 3d, has said that he had destroyed two files in the safe without reading them.

The committee is expected to call Mr. Kehrli later to ask him about the Hunt safe.

The final witness today was Sgt. Paul W. Leeper of the Metropolitan Police Department, one of the three men who apprehended the Watergate burglars early on the