

WXPost Mitchell Has No Evidence

By Bob Woodward
and Carl Bernstein

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Former Attorney General John N. Mitchell "definitely has no information implicating the President in the Watergate bugging or the cover-up," according to Mitchell's attorney, William G. Hundley.

Hundley said yesterday that Mitchell's scheduled testimony before the Senate Watergate committee early next month "will in no way incriminate the President."

"But to protect our legal position," Hundley said, "I cannot and will not outline the specifics of that testimony beyond its relation to the President."

Mitchell has provided some information to the Senate Watergate committee and the Watergate grand jury. Senate and Justice Department sources said that the thrust of Mitchell's testimony regarding the President is that if Mr. Nixon had any knowledge of the bugging or the coverup, he

never conveyed it to Mitchell.

One source said that Mitchell "is just saying that he had no conversations with the President showing (such) knowledge."

A Justice Department source said that White House records show Mitchell talked with the President nearly every day by telephone and met with Mr. Nixon at least once a week throughout 1972 — even though Mitchell no longer had an official campaign

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Against Nixon, Lawyer Says

position after July 1, 1972, when he resigned as the Nixon campaign manager.

Senate investigators are expected to interrogate Mitchell in detail about those conversations.

In general, the sources said, Mitchell, who was considered one of the President's closest friends and political advisers, will try to portray himself as a minor figure, cut off from the covert activities of the White House.

As things now stand, the

sources said they expect Mitchell to testify that:

- Mitchell was aware of the Watergate cover-up. He reluctantly became involved in payments of hundreds of thousands of dollars to the seven Watergate defendants to keep them from talking about the involvement of others and about other illegal, White House-sponsored operations such as the burglary of the office of Pentagon Papers defendant Daniel Ellsberg's psychiatrist.
- He has no direct knowl-

edge that former top White House aides H.R. (Bob) Haldeman and John D. Ehrlichman were involved in the Watergate cover-up. But he concluded that they must be involved because former presidential counsel John W. Dean III, who was deeply involved, normally received his orders from them.

- Large portions of Dean's testimony about the cover-up operation is correct, but Dean has erred on the dates

See TESTIFY, A7, Col. 1

TESTIFY, From A1

and the content of discussions of some meetings, particularly those meetings in the weeks immediately after the June 17, 1972, arrests in the Democrats' Watergate headquarters.

According to the sources, Mitchell will answer all questions and not use his Fifth Amendment rights against self-incrimination. Mitchell has not received any immunity from prosecution.

As one government source said: "The former Attorney General is not coming in with a 245-page opening statement like Dean; like, always Mitchell is going to be short on words . . ."

In addition, the sources said that Mitchell will again deny that he approved the Watergate bugging operation at a late March, 1972,

meeting in Key Biscayne, Fla., with former deputy Nixon campaign manager Jeb Stuart Magruder.

Magruder has testified under oath before the Senate committee that Mitchell did reluctantly approve the plan at that meeting.

Mitchell's denial probably will be corroborated by Frederick C. LaRue, a former top campaign aide to Mitchell who also attended the Key Biscayne meeting, according to a reliable source.

On Wednesday LaRue pleaded guilty to obstruction of justice in the Watergate scandal and said in a prepared statement that the bugging plan "was not approved in my presence and I have no personal knowledge of its approval by anyone."

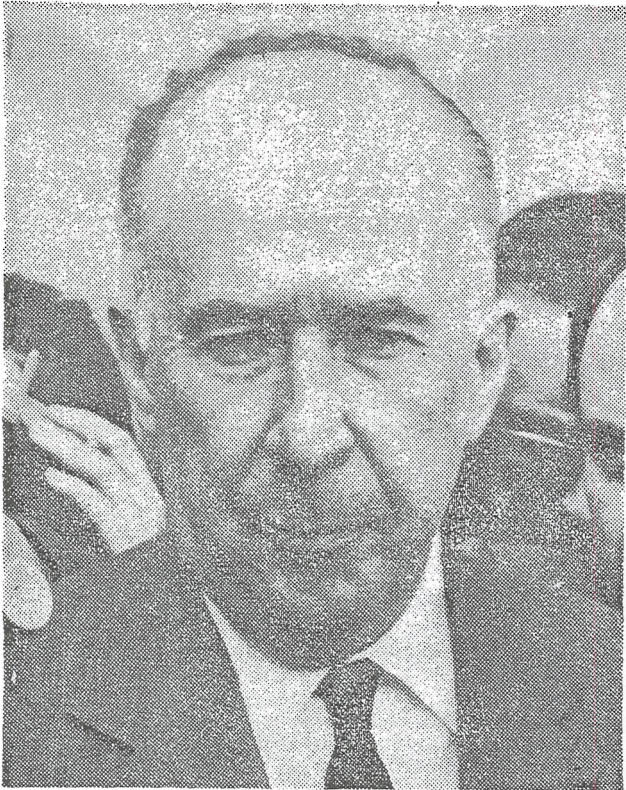
The source, who is close to LaRue, however, went further yesterday, saying that LaRue was present

when Mitchell specifically left the decision open, neither approving nor disapproving it.

"If Magruder's testimony hangs on that March 30, Key Biscayne meeting—and it seems to—then LaRue can shoot it down," the source said. Magruder could not be reached for comment yesterday.

The information on Mitchell's expected testimony came after Dean testified under oath this week that Dean had first-hand knowledge of President Nixon's involvement in the Watergate cover-up.

The Senate committee is now looking for testimony and evidence to either confirm or refute Dean's allegations. "Mitchell's testimony," one source said, "still doesn't deal with the question of whether Dean is telling the truth or lying . . . more and more it seems we are going to have to rely on



By Joe Heiberger—The Washington Post

Former Attorney General John N. Mitchell "will in no way incriminate the President," his lawyer says.

Haldeman and Ehrlichman."

In civil depositions, Haldeman and Ehrlichman have already disputed some of what Dean has said and charged that it was Dean who continually misled the President and them.

Nonetheless, Senate and Justice Department sources now say they have testimony or expected testimony from nearly 10 persons who will implicate Haldeman and Ehrlichman in the Watergate cover-up.

Throughout the last several weeks, reliable White House sources have said that the President eventually plans to cut himself off from his two former top aides.

At the same time, the White House is vehemently denying Dean's allegations and trying to discredit him.

Mitchell's expected testimony would further isolate Dean, leaving him as the only person so far alleging presidential involvement in criminal activity.

Mitchell has previously said in public that he attended two meetings in early 1972 at which G. Gordon Liddy, who was later convicted in the Watergate conspiracy, presented elaborate plans in Mitchell's Justice Department office for a wide-ranging political espionage, sabotage and bugging operation. He said he rejected the plans.

Sources said Mitchell is expected to testify that after the June 17, 1972, arrests in the Watergate, his main concern was the impact Watergate might have on the election. His efforts to conceal it were, in the words of one source, "public relations to keep from getting a black eye."

In addition, Mitchell has testified to the Watergate grand jury that he approved payments for the conspirators so they could pay their attorneys' fees and living expenses—not for the conspirators' silence.

Unless the prosecutors can establish that the money was to buy the conspirators' silence, they may have a difficult, if not impossible, time proving obstruction of justice against Mitchell. It is not illegal to pay legal fees and living expenses of persons who have been charged with a crime.