

Magruder Sticks to His

Washington

Sticking to his story under intense cross-examination, Jeb Magruder testified yesterday that John Mitchell not only approved the Watergate bugging but within a week okayed the initial cash outlay to pay for it.

He said Mitchell's endorsement of the plan to bug Democratic party headquarters was a "throwaway decision," made reluctantly and unenthusiastically—but nonetheless made—at a meeting in Key Biscayne, Fla., on March 30, 1972.

The next week, he said, Mitchell first questioned but then approved funneling several thousand dollars in cash from Nixon campaign coffers to G. Gordon Liddy to get his project rolling.

Magruder, admittedly nervous during his second day on the stand at the coverup trial of Mitchell and four other former aides to Richard Nixon, never wavered from his story.

Attorneys for Mitchell and co-defendant H.R. Haldeman tried to paint Magruder and John W. Dean III as the archvillains of the coverup plot, emphasizing their roles from the beginning to keep the truth from coming out.

Both Magruder and Dean have since pleaded guilty to obstruction of justice and are serving prison terms. They are now key prosecution witnesses.

Under questioning by Haldeman lawyer Frank J. Strickler, Magruder conceded that both the White House and the 1972 Nixon campaign had been worried about violent demonstrations against the President and were interested in legal intelligence-gathering to prevent trouble.

"Was the Democratic National Committee one of the groups threatening to disrupt the Republican convention?" asked assistant special prosecutor Jill Volner when she got another chance.

"No, it was not," Magruder replied.

Magruder denied that when he was confronted with an FBI report from April last year that said he told agents Mitchell had not given his "absolute approval" for Watergate.

"They said that," Magruder said. "That was their paraphrase of what I said

and I think that should be made clear to the jury. I was very nervous that day. It was a time of stress.

"I tried to make it clear that he (Mitchell) was not enthusiastic . . . he was not favorably inclined; none of us was favorably inclined to the plan. But that does not obscure the fact that in the

end he did not approve . . ."

Magruder, Mitchell's deputy during the 1972 Nixon campaign, conceded that Mitchell a week later had called to ask him why Liddy needed so much money. He said he explained the cash was needed for personnel and equipment.

"So a week after this plan

was approved, Mitchell asked why Gordon Liddy needed money?" demanded Mitchell attorney Plato Cacheris.

"No, I didn't say that," Magruder replied coolly. "He asked why he needed that much money."

Nor did Magruder budge from his testimony that Mitchell, two days after the

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June 17, 1972, bugging arrests, told him to "have a fire" to destroy wiretap reports from Watergate known as the Gemstone files.

"You did not tell the grand jury that Mr. Mitchell suggested you have a fire, did you?" Cacheris asked.

"That's correct," Magruder replied.

"You did not tell the Senate Watergate committee that Mr. Mitchell told you to have a fire, isn't that correct?"

"That's correct."

"As a matter of fact, the first time you mentioned that was in December of 1973 in an interview with the prosecutors, wasn't it?"

Mitchell

"My memory was refreshed after I testified at the Senate," Magruder said.

He said Mitchell's suggestion to burn the Gemstone files came at a meeting at Mitchell's apartment at the Watergate, conceding he left the meeting early to play tennis "with a man named Agnew" in suburban

Maryland.

Struggling to keep from laughing, he described how he left the files sitting on the tennis court in a brief case while he played and then went home and burned them in his fireplace.

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