

MITCHELL DENIES ROLE IN DECISION TO PAY BURGLARS

Judge Says He Has Yet to
Get Good Answer on Why
Cash Was Given to Men

By LESLEY OELSNER
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WASHINGTON, Nov. 26—John N. Mitchell, on the witness stand in his own defense, told the jury at the Watergate cover-up trial today that he had had nothing to do with the decision to pay hundreds of thousands of dollars in cash to the seven men who had participated in the Watergate break-in.

Then, in an unusual discussion after the jury had been dismissed for the day, the former Attorney General repeated his testimony to Judge John J. Sirica.

The discussion was started by Judge Sirica, who said that he did not understand why all the money had been paid to the seven men if there had not been some "obligation" to the men.

In the course of the discussion, Judge Sirica said, "I've listened to the testimony for 30 days, and I haven't gotten a good answer yet."

The chief prosecutor, James F. Neal, contended that the prosecution evidence had shown that the money was "hush money," and that Mr. Mitchell had in fact been in on the decision to pay it.

Shouts at Prosecutor

Mr. Mitchell shouted at Mr. Neal that the prosecutor was taking a "cheap shot" at him.

The exchange—which ended on a confused note, with no agreement on what the testimony had been—was the high point of the day.

Earlier today, Mr. Mitchell denied various other allegations against him.

Leaning back in the witness chair and speaking in a relaxed and confident manner, he denied giving advance approval to the Watergate break-in.

He acknowledged, as he had before at the Senate Watergate hearings, that he had received information after the break-in linking the burglars to the re-election campaign—specifically, to Jeb Magruder, Mr. Mitchell's deputy director at the Com-

mittee for the re-election of the President.

He also acknowledged hear-

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ing about the payments, but, he said, he decided to "volunteer" what he had heard because of his belief in President Nixon.

"I made a very conscious decision that these matters would bear upon the President's election, and I was not going to volunteer the information to anyone," he said.

His attorney, William G. Hundley, asked if it was his belief at that time that Mr. Nixon knew nothing of the facts behind Watergate.

"Yes, sir," Mr. Mitchell replied. "It most assuredly was—at that time."

Today, the 40th of the trial, began with a long and low-keyed opening statement on behalf of H. R. Haldeman, Mr. Nixon's former chief of staff at the White House and another of the five defendants in the case.

The statement, given by Mr. Haldeman's chief attorney, John J. Wilson, sought to absolve Mr. Haldeman of any illegal activity and to shift the blame, variously, to John W. Dean 3d, Mr. Nixon's White House counsel; Mr. Magruder; Gordon C. Strachan, a former Haldeman aide at the White House, and Mr. Mitchell.

No Direct Blame

The statement did not, however, directly blame Mr. Nixon, unlike statements given on behalf of some of the other defendants, such as John D. Ehrlichman, a former aide to Mr. Nixon, and unlike a memorandum that the Haldeman defense filed with the court last month.

That memo contended that Mr. Haldeman urged Mr. Nixon over and over in the months after the Watergate break-in to make public the full truth about Watergate.

Instead, Mr. Wilson merely made one brief statement today that might be interpreted as blaming Mr. Nixon but could also be interpreted another way.

He told the jury that Mr. Haldeman's "record" since 1956, when he first worked on a Nixon campaign, showed "his dedicated service and reliance and belief upon the integrity and guidance of Richard Nixon."

Also today, it was disclosed that Mr. Nixon's attorneys had filed a motion to quash part of a subpoena by Mr. Ehrlichman calling for various documents from Mr. Ehrlichman's White House files.

The motion said that the lawyers could not find one of the items Mr. Ehrlichman requested, a memorandum dated June 26 or 27, 1972, from the Central Intelligence Agency to the Federal Bureau of Investi-

gation about the Watergate burglars.

It said that three other items were "presumably privileged" unless Mr. Ehrlichman could demonstrate a compelling need for them.

These three were Mr. Ehrlichman's notes of a draft statement dictated by Mr. Nixon waiving executive privilege; his notes on 35 conversations with Mr. Nixon from August, 1972, through April, 1973, and a tape recording of a conversation on July 28, 1972, in which Mr. Nixon asked Mr. Ehrlichman to arrange for Maurice H. Stans, the former Secretary

of Commerce, to give testimony by deposition rather than before the grand jury.

Mr. Mitchell's attorneys started their presentation of evidence today, after Mr. Wilson's opening statement, by calling two character witnesses who are asked to testify about a defendant's reputation for truth and veracity.

The first of these was a former maid of the Mitchell family, Julia Carter, who now works for Mr. and Mrs. J. W. Marriott, the motel and restaurant family.

Plato C. Cacheris, one of Mr. Mitchell's lawyers, asked Miss Carter about Mr. Mitchell's reputation.

"I talked to Mr. and Mrs. Marriott in New York, and they think very well of Mr. Mitchell," she replied.

Judge Sirica interrupted and asked whether Miss Carter knew anyone else who knew Mr. Mitchell.

"Yes," she replied. "I worked with Ruth, she knew him," and thought highly of him.

No one asked who Ruth was.

On cross-examination, Mr. Neal asked a single question—whether all of the contact that she had had with people who knew Mr. Mitchell had taken place at the Mitchell home when she worked for him. Miss Carter said yes.

Miss Carter was the first black witness to testify at the trial. Eighth of the 12 jurors and all five of the alternate jurors are black. One black woman juror is a retired maid.

Prosecutor Objects

The second character witness was Mark Evans, who identified himself as a public affairs vice president of Metro-media and an acquaintance of Mr. Mitchell's for some time.

Mr. Cacheris asked Mr. Evans about Mr. Mitchell's reputation for truth and veracity.

Mr. Evans began to reply that he himself knew "a lot of people on both sides of the political spectrum." He was interrupted by an objection by one of the prosecutors, who

said, "That's not the question."

"I have yet to hear anything negative in that regard," Mr. Evans answered next.

On cross-examination, Mr. Neal again asked but one question: whether the witness was saying that he had "never heard anything, whether true or not"—about Mr. Mitchell.

"I've read many things, but I've never heard anything," he replied. He added quickly: "From the people who know him best."

Mr. Mitchell's lawyers also had part of a White House tape recording played for the jury—of a conversation on March 22, 1973, between Mr. Nixon, Mr. Mitchell, Mr. Haldeman, Mr. Ehrlichman and Mr. Dean. The prosecution had previously played portions of the tape, including some of the portion heard today.

Again, as with the character witnesses, the effect of the evidence on the jury was unclear. The Mitchell defense apparently wanted the jury to hear the tape because it contains statements by Mr. Mitchell to the effect that White House aides should testify before the Senate Watergate committee.

Another Interpretation

However, the tape could be interpreted as being incriminating to Mr. Mitchell because it is essentially a discussion of how to cope with the forthcoming Senate Watergate hearings without any injury to the President.

In the course of his testimony, Mr. Mitchell directly contradicted earlier testimony at the trial by Mr. Dean, Mr. Magruder and Frederick C. LaRue, a former campaign committee official.

Some of the contradictions, as Mr. Neal pointed out later in the exchange with Judge Sirica at the end of the day, involved the subject of payments to the burglars.

The subject is crucial to the case, because the Government is contending that the defendants conspired to obstruct the original Watergate investigation through such means as paying off the Watergate burglars in return for their silence.