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Mitchell Withheld Facts

Witness Says He Acted to Protect Nixon

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Under the most searing cross-examination of the Watergate cover-up trial, former Attorney General John N. Mitchell yesterday admitted withholding facts from the FBI to protect President Nixon's re-election.

The 61-year-old Mitchell remained outwardly calm under the scathing, day-long interrogation as he repeatedly found himself making complicated explanations of past testimony and asserting that he had always told the "literal truth" during the course of the scandal. He said he just hadn't volunteered information.

Near the end of the day, chief trial prosecutor James F. Neal reminded Mitchell of a conversation he had had with President Nixon on March 22, 1973.

"Do you remember him telling you to 'stonewall it'?" Neal asked.

"I remember it very well," the former Attorney General of the United States replied.

"And you have stonewalled it, haven't you, Mr. Mitchell?" the tenacious prosecutor demanded.

Mitchell denied it, protesting that he and Nixon had only been talking about what line to take before the Senate Watergate committee. But Neal kept pressing, summing up the charges he had been firing at Mitchell for hours.

"You allowed perjury to go on, knowing it to be perjury, you testified falsely before a grand jury, you participated in the payment of money to defendants to buy silence, you did all of this because you wanted to keep the lid on to assure the re-election of Mr. Nixon and because you were afraid the White House horrors were going to come out," Neal told him.

"I accept none of your

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premises," Mitchell responded.

The questions hit Mitchell like gunfire for more than four hours. His chief counsel, William G. Hundley, was overheard telling Mitchell during a recess "Hang in there, guy."

Prosecutor Neal hit hard on Mitchell's interview with FBI agents in early July of 1972 shortly after discovery of the Watergate bugging and break-in at Democratic National Committee headquarters here.

By then, Mitchell conceded, he was fully aware that he had participated in three meetings earlier in the year about the political espionage—which he still insists he rejected. By then, he acknowledged, he had also been told that White House special counsel Charles W. Colson had "pushed" Nixon campaign deputy director Jeb Stuart Magruder to move ahead with the spy work.

By then, Mitchell had been informed by aides that Watergate spy G. Gordon Liddy had been involved. The former Attorney General, however, told the FBI agents that all he knew about the break-in was what he had read in the newspapers.

Declaring that he told the FBI agents no untruths, Mitchell described the encounter as short and innocuous and suggested that its shortcomings were no fault of his.

"Two young agents came into my office," Mitchell recalled. "They were almost scared to death. They asked a couple of questions . . . and left."

Mitchell said he had "an urge to get to the truth" about the interview, and Neal seized on that.

The prosecutor asked him whether that urge had caused him to tell the FBI agents of the three meetings on the proposed espionage at which Mitchell had presided, two of them with Liddy in January and Febraury of 1972 and finally with Magruder in late March.

WILLIAM G. HUNDLEY

JAMES F. NEAL

. . . defense and prosecution lawyers at Watergate trial

"I did not volunteer it for obvious reasons," Mitchell said.

Q. "What obvious reasons?"

A. "The re-election of the President of the United States."

Q. "Did you conceal the truth?"

A. "No, I did not, Mr. Neal."

Q. "Did you volunteer it? Did you tell them of the involvement of Liddy in the operation?"

A. "I was not volunteering it, Mr. Neal, for the very obvious reason that I wanted the President re-elected."

Q. "You didn't tell the FBI of Colson's pushing Magruder?"

A. "I did not."

Q. "And your reason was to re-elect Mr. Nixon?"

A. "That's correct."

So it went throughout the day without any letup. Hundley, joined by lawyers for the other defendants who have yet to take the witness stand, protested vainly against Neal's serving up passage upon passage of Mitchell's past testimony, but U.S. District Court Judge John J. Sirica said he thought the questioning entirely proper in light of the witness's hazy recollections.

Repeatedly, Mitchell said he couldn't recall what he had told the Watergate grand jury. He took issue with the apparent meaning of some of his testimony before the Senate Watergate committee. He remembered other statements only after readings by Neal.

The prosecutor began by emphasizing Mitchell's profession as a lawyer and his position for several years as "the highest law enforcement officer in the federal system." Then he turned to Mitchell's first meeting with Liddy on Jan. 27, 1972, while Mitchell was still Attorney General, where Liddy presented a grandiose $1 million scheme called "Project Gemstone."

Neal asked if the proposal called for the kidnaping of radicals who might try to break up the 1972 Republican National Convention. Mitchell demurred, saying he didn't think "kidnaping" was the "appropriate" word. He said the plan called for "segregating out the redical leaders."

Sarcastically, the prosecutor asked whether "it was contemplated that these radical leaders would consent to this segregation."

"I wouldn't presume so," Mitchell said dryly.

Neal pointed out that the scheme also called for the use of prostitutes to compromise political opponents and illegal wiretapping of Democratic headquarters at least. Mitchell agreed, but maintained that he rejected the proposals as outlandish.

"Isn't it a fact that you turned it off because you didn't like the price tag?" the prosecutor challenged him.

"That is not a fact," Mitchell insisted.

"Did you keep Mr. Liddy?"

"Mr. Liddy wasn't working for me," Mitchell replied adding, inaccurately, that Liddy was working at the time for the Finance Committee to Re-Elect the President headed by Maurice H. Stans. Actually, Liddy was still on the payroll of the Committee for the Re-Election of the President, which Mitchell in effect ran even before leaving the Justice Department and formally taking over as CRP director.

The prosecutor let Mitchell have it his way.

Q. "Did you tell Mr. Stans of this horrible, bizarre proposal?"

A. "I did not."

Q. "Did you tell Mr. Stans that he had a wild man working for him?"

A. "I did not."

Q. "You didn't tell (White House chief of staff H.R.) Haldeman, did you?"

A. "No sir."

Q. "Did you tell (White House domestic adviser John D.) Ehrlichman?"

A. "No sir."

Q. "Did you tell the President of the United States?"

A. "No sir."

Q. "Did you tell any of those 2,000 people over there in the Justice Department who were sworn to uphold the law?"

A. "I did not."

Neal turned to Mitchell's second meeting with Liddy on Feb. 4, 1972, about a scaled-down $500,000 plan. When Mitchell said he "turned it off" once again at that meeting, the prosecutor ran once again through the same litany of people he didn't tell.

"The matter had been turned off," Mitchell said in explanation of why he let the matter drop.

"Like the first time?" Neal asked scornfully.

"That's correct," Mitchell replied.

The one-time Nixon campaign director insisted that he also firmly rejected the final $250,000 Liddy plan that Magruder presented to him at Key Biscayne, Fla., on March 30, 1972, and said he didn't give it another thought until June 17 when the Watergate burglars were arrested.