

Sirica Quizzes Mitchell on Payment

By George Lardner Jr.

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In a hectic court session that ended with exasperated questioning from the judge, former Attorney General John N. Mitchell yesterday once again denied any wrongdoing in the Watergate scandal.

Mitchell, 61, steadfastly insisted that he never authorized the Watergate bugging at Democratic National Committee headquarters here and washed his hands of the payments that followed to the men accused of the burglary.

The first of the five defendants to take the stand on his own behalf at the Watergate cover-up trial here, Mitchell contradicted the testimony of prosecution witnesses on point after point.

He acknowledged giving some "friendly" advice about a final \$75,000 payment in March of 1973 to Watergate spy E. Howard Hunt Jr., but said he could not even recall telling White House officials the next day that Hunt was no longer "a problem."

The former director of the Nixon re-election effort, Mitchell said he

doubted he ever made that statement because he said he didn't know at the time whether Hunt was still "a problem or not."

By contrast, former White House counsel John W. Dean III has said Mitchell assured him and White House aides H. R. (Bob) Haldeman and John D. Ehrlichman on March 22, 1973, that the Hunt problem had been taken care of. Haldeman himself gave a similar account to President Nixon in a taped conversation the following month.

Leaning back in his chair on the

witness stand, Mitchell testified for most of the afternoon in calm tones under questioning by his own chief counsel, William G. Hundley.

Finally, U.S. District Court Judge John J. Sirica sent the jurors back to their motel a bit earlier than usual and began examining the former Attorney General himself.

Repeatedly, Sirica said he was still looking for a satisfactory explanation of why so much money—\$429,500 by the prosecutions account—had been paid to the Watergate bur-

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glars unless the Nixon campaign had "some obligation to these people."

Mitchell told the judge he was still wondering himself.

"I can't enlighten you, your honor," Mitchell declared. "I didn't start it. I didn't make the decision. I didn't have anything to do with it."

The former Attorney General added that as he understood all the testimony about the scandal so far — from the Senate Watergate hearings through the cover-up trial — the payments to the Watergate burglars were initiated by Herbert W. Kalmbach, once Nixon's personal attorney and chief behind-the-scenes fundraiser.

Chief trial prosecutor James F. Neal couldn't sit still. He jumped up and, pointing at Mitchell, protested, "the testimony to date is that he did it."

"Mr. Neal," Mitchell replied, "that's the third shot you've taken at me and I resent it."

Sirica ignored the exchange and began again, telling Mitchell he just didn't understand "why it was necessary to give all these thousands of dollars unless something was done for that committee" for Nixon's re-election. "Why didn't someone say, 'Why do we owe you anything . . .?'" the judge asked.

"I quite agree with you," Mitchell replied. "I wasn't ob-

jecting to the questions. I was objecting to Mr. Neal's third cheap shot in two days."

Prosecutor Neal spoke up again, apparently reacting to suggestions from the bench that the question of what the payments were for still hadn't been satisfactorily answered after 29 days of prosecution evidence labeling it all as "hush money."

Neal started to say that the testimony of Dean, Kalmbach, Nixon campaign aides Frederick C. LaRue and Jeb Stuart Magruder had repeatedly implicated Mitchell.

Raising his voice angrily for the first time, Mitchell told Neal: "You know very well Mr. Kalmbach never mentioned me at all in connection with this particular point."

Kalmbach has said it was Dean who enlisted him in late June of 1972 after the discovery of the Watergate bugging and break-in, but Dean said it was Mitchell who suggested — in a long-distance phone conversation with him on June 28 — that Kalmbach be drummed into service. The former White House counsel said he then got the okay from both Halde-man and Ehrlichman and summoned Kalmbach to Washington for the assignment.

In any case, Judge Sirica told Neal to await his turn for cross-examination and continued his own questioning.

"I haven't got a satisfactory answer yet in my own mind,"

the judge told Mitchell once again. "I haven't been able to understand why all these thousands and thousands of dollars had to be given to these men who broke into Democratic national headquarters unless there was some obligation or unless there was something wrong."

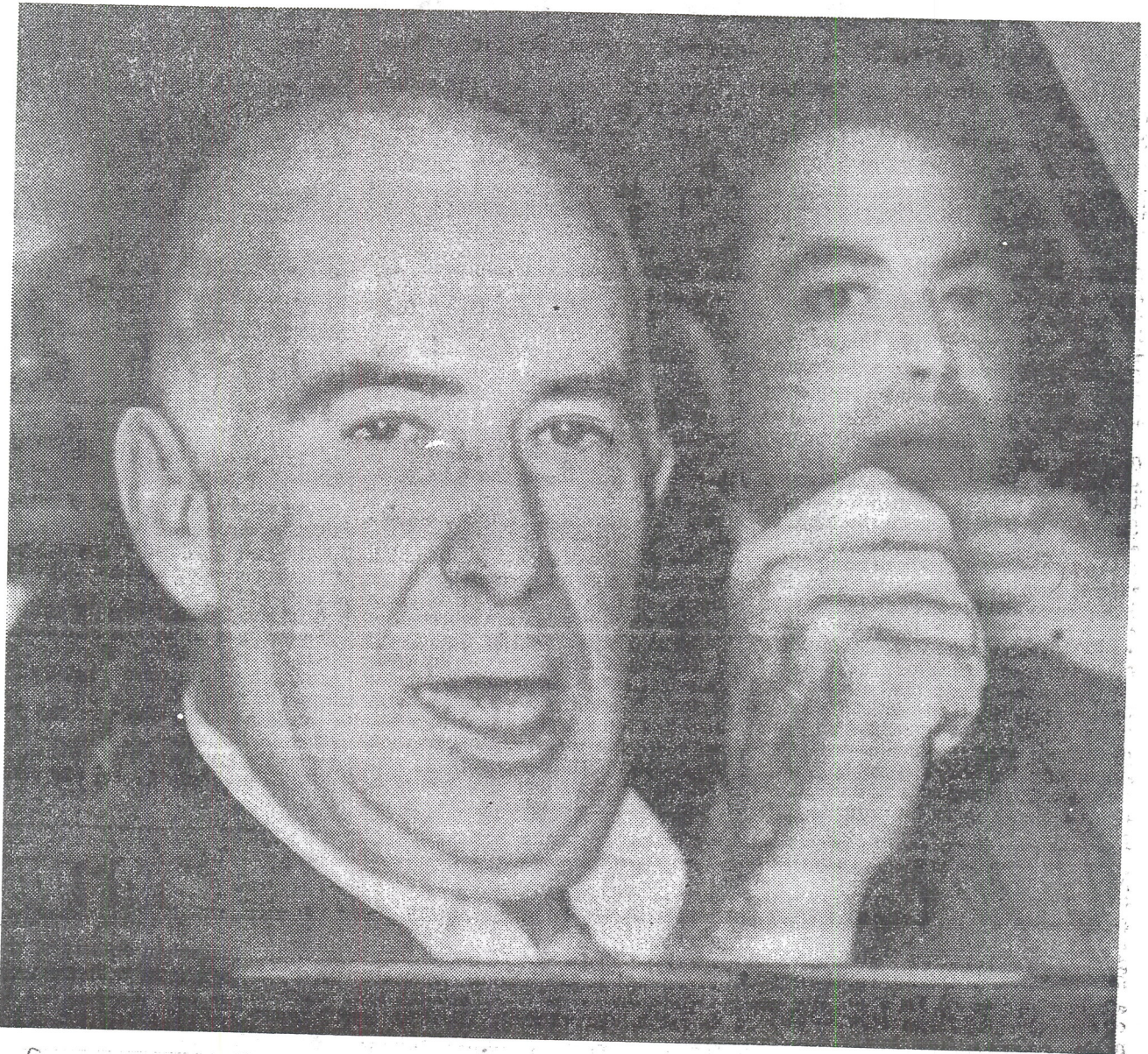
Neal interrupted wearily for the last time. "All I want to do," he said, "is reflect back on Dean's testimony that it was hush money."

Mitchell's chief counsel, Hundley, chided the prosecutor. "We haven't been interrupting," the defense lawyer said, charging that it was "very, very poor taste for Mr. Neal" to do so.

The session ended with the judge still looking for an explanation and hearing none. "I've just listened to this testimony for 30 days, and I haven't really gotten a good sThe session ended with the

By Mitchell's account, he was simply not the right man to ask. He said he steadily turned down proposals for illicit bugging of Democratic opponents in the 1972 campaign.

Although Magruder has testified that Mitchell approved the espionage plan at a meeting on Key Biscayne on March 30, 1972, the former Attorney General insisted that he made his disapproval plain when Magruder handed him a "position paper" on the subject.



Associated Press

Watergate defendant John Mitchell leaves U.S. District Court after session in which he testified in his own defense.