

McCord Differs With Mitchell's '72 Testimony

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and Bob Woodward

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Watergate conspirator James W. McCord has testified under oath that he met or talked almost daily with former Attorney General

John N. Mitchell in the spring of 1972, according to Senate sources. The testimony directly contradicts Mitchell's own sworn statement that he met with McCord only once and had virtually no other contact with him.

McCord's testimony, delivered Wednesday to a Senate select committee investigating the bugging of Democratic headquarters in the Watergate, can only be interpreted as meaning that either McCord or Mitchell has committed perjury, Senate sources said yesterday.

In a related development yesterday, coconspirator G. Gordon Liddy refused to testify before a grand jury and faces contempt of court proceedings Monday. (Details on Page A10.)

McCord, in his testimony before the Senate panel, said that Liddy told him that Mitchell approved plans for the bugging of the Democratic offices.

The Senate sources reported that McCord, the former security coordinator of the Committee for the Re-election of the President, told the committee that he was in contact with Mitchell "nearly everyday" on security problems, either by telephone or in meetings at Mitchell's home and office.

McCord's assertions were described yesterday as a "blatant falsehood" by DeVan L. Shumway, a spokesman for both Mitchell and the Committee for the Re-election of the President. Shumway said Mitchell reaffirmed to him yesterday that he met only once with McCord.

"I think that you have got to compare the circumstances under which the two statements were made," Shumway said. "If the comparison is made, people would believe Mr. Mitchell and disbelieve Mr. McCord."

Mitchell, who served as President Nixon's campaign manager and director of the re-election committee from early March to July 1, 1972, stated in sworn testimony last Sept. 5:

"During my stay at the committee, I met Mr. McCord once, in which he briefed me about the security of the building, and other things, and he met me in the hall, that was my only contact with him."

Mitchell's testimony, taken in a deposition to lawyers for the Democratic Party in a civil suit stemming from the bugging, also contains the following exchange of questions and answers:

Question: So that during the
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...time that you were campaign director, which was from a period in the second week of April until the end of June, 1972, you had only one conversation with Mr. McCord?

Mitchell: That is correct.
Question: Other than to see him in the Hall and to say hello to him?

Mitchell: That is correct.
Mitchell testified that his single meeting with McCord lasted only 10 to 15 minutes, during which McCord briefed him "on the physical security of the building and their personnel and the other activities that they carried on to secure that building."

According to reliable accounts of McCord's testimony, the former Nixon campaign security chief said he was in extensive contact with Mitchell, principally in regard to security arrangements for the former attorney general and Mrs. Mitchell. McCord also said he was in frequent contact with Mrs. Mitchell. Senate sources reported.

On more than one occasion, McCord testified, he and Mitchell also discussed security arrangements for Nixon committee headquarters, the Republican National Convention, surrogate candidates for the President and demonstrations by radicals.

Senate sources said yesterday that they regarded McCord's testimony on his contact with Mitchell as particularly important in that it can be used as an index of the witness's credibility.

"Because we should be able to check some of those things out about the meetings with Mitchell," one source said, "we'll have an idea of how credible his other testimony

McCord in no way intimated that he ever discussed the Watergate bugging with Mitchell, the sources emphasized.

Sen. Birch Bayh (D-Ind.), a member of the Judiciary Committee, asked the Justice Department last October to investigate whether Mitchell had committed perjury on another matter—his testimony on the nomination of Richard G. Kleindienst to succeed him as attorney general.

Mitchell testified then that he was in no way involved in President Nixon's re-election campaign until he left his Cabinet position in March, 1972.

The Washington Post reported last September that federal investigators said Mitchell, while still attorney general, was among those who controlled a secret campaign fund that financed the Watergate bugging.

"If the allegations in The Post are accurate, we are confronted with the unfortunate but inescapable fact that the attorney general of the United States committed perjury before a committee of the United States Senate," Bayh said.

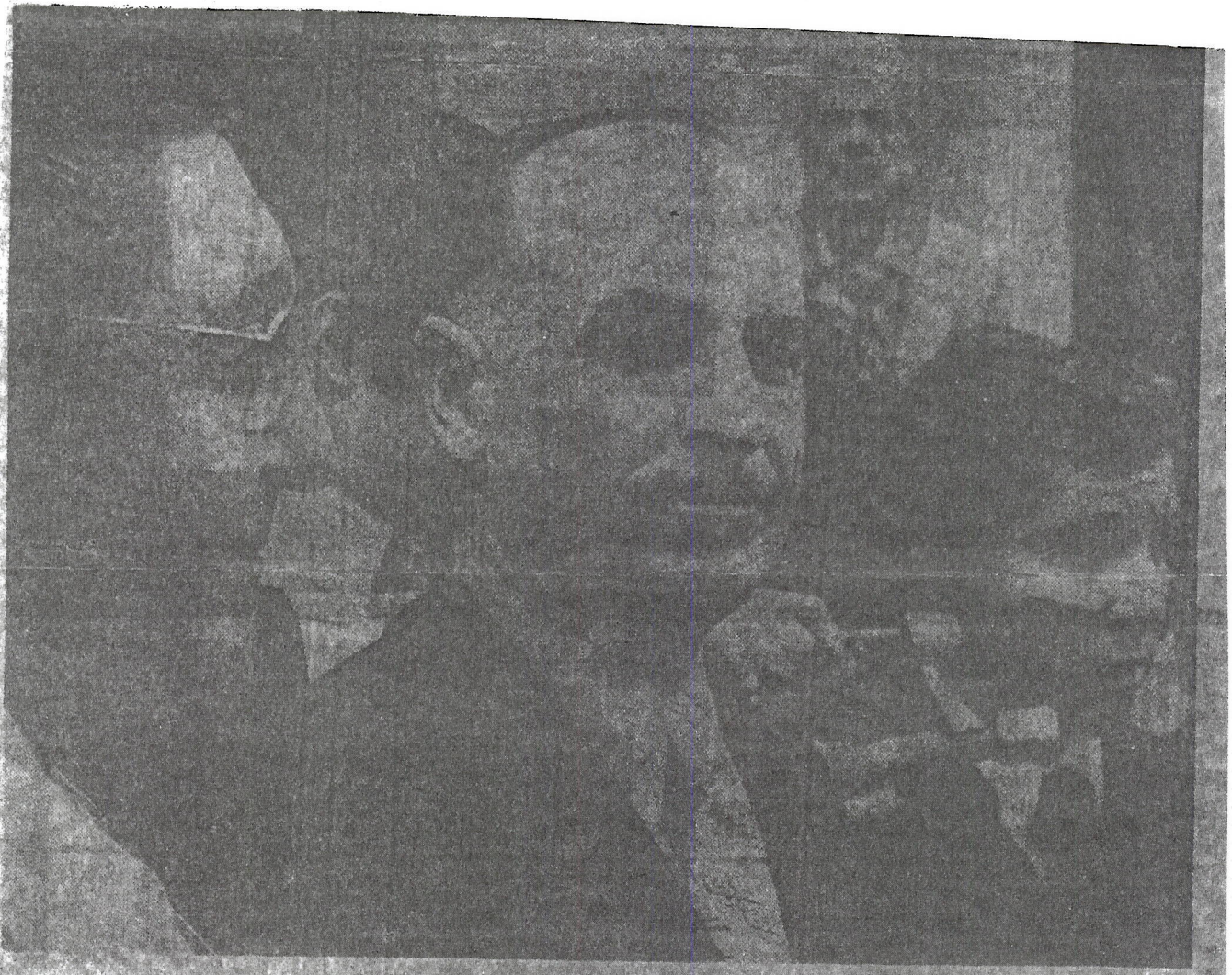
Months before Bayh's statements on June 27, 1972, the Senate Judiciary Committee unanimously requested that Justice examine the complete transcript of the Kleindienst hearings and "conduct a thorough investigation of conflicting testimony contained therein and take appropriate action where it is determined that perjury has been committed . . ."

Justice Department sources have told The Washington Post that the investigation has been stalled by inaction at the highest levels of the FBI and Justice Department.

The Justice Department was asked by the Judiciary Committee to conduct its inquiry in 30 days, but it has yet to report on the matter.

Last July 31, the department said the matter "is receiving priority treatment."

Acting FBI Director L. Patrick Gray testified before the Judiciary Committee this month that "our investigation is virtually completed . . ."



By Barry Naltchayan—The Washington Post

James W. McCord is shown outside federal courthouse with his lawyers, Bernard Shankman, left, and Gerald Alch, right.