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Senators Pursue Trail of Gemstone

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The former chief aide to deputy Nixon campaign manager Jeb Stuart Magruder testified yesterday that on at least one occasion while the Watergate was being bugged he put "sensitive" documents labeled "Gemstone" into a folder that was to be given to former Attorney General John N. Mitchell.

"Gemstone" was the code name for the Nixon re-election committee's intelligence gathering operation, which included the Watergate bugging during the spring of 1972.

The aide, Robert Reisner, also told the Senate select committee investigating the Watergate affair that copies of all memos sent to Mitchell were also sent to White House chief of staff H. R. (Bob) Haldeman.

Reisner, however, was unable to tell the committee whether Mitchell ever actually saw the memo. When asked by reporters after his testimony if the Gemstone memo specifically was sent to Haldeman, Reisner replied, "I have no knowledge of that."

Reisner's testimony also tied Magruder to the planning and execution of the break-in and bugging of the Democratic National Committee's Watergate headquarters. At the trial of the Watergate burglary conspirators last January, Magruder testified that he had no such knowledge of the bugging while it was in progress.

According to Reisner, on more than one occasion he saw documents labeled

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"Gemstone" on Magruder's desk. The Gemstone documents, according to earlier testimony before the committee, contained reports of wiretapped conversations from the Democratic Party headquarters.

Reisner said that at one point during the week or two prior to June 17, the day five men were arrested inside the Watergate, he was handed a Gemstone document by Magruder "and I was handed it in such a way that it was indicated to me very clearly that it was not for me to observe, that it was not for my consumption."

"I was handed the documents," Reisner went on, "and I was asked to put them in Mr. Mitchell's files. The nature of that is that things that Mr. Magruder might have wished to take up with Mr. Mitchell were put in the file marked 'Mr. Mitchell's file' and that is all."

Reisner testified that on June 17, after news of the Watergate arrests, Magruder called him from California and instructed him to remove some files from Magruder's desk at the offices of the Committee for the Re-election of the President.

At some point on June 17,



By James K. W. Atherton—The Washington Post

Sen. Howard H. Baker (R-Tenn.) questions witness during yesterday's hearings.

Reisner testified, Magruder either told him, "Bob, there's a file there that has some Gemstone papers in it" or "It has some papers called Gemstone in it."

Reisner said he removed the Gemstone documents, which were in a blue file folder, from Magruder's desk along with other papers and turned them over to Robert C. Odle Jr., administrative director of the re-election committee.

Odle had testified on the first day of the hearings, May 17, that he took the blue file home on June 17, without looking at its contents, and returned it to the re-election committee headquarters on June 19. At that time, Odle testified, he turned the file back to Magruder. Reisner said yesterday that Magruder later told him the file "was gone."

Reisner testified that after he read more about the Watergate incident, he asked Magruder what the Gemstone papers contained. Magruder, Reisner said, replied that he did not know.

Sen. Sam J. Ervin Jr., chairman of the committee, asked Reisner about his conversation with Magruder on the Gemstone papers.

Ervin: "Now, did your conversation with Mr. Magruder in which you asked Mr. Magruder what the Gemstone file meant or was, did that occur after he had called from California and asked that it be removed from the committee headquarters over the weekend?"

Reisner: "Yes, sir. The conversation I am describing took place in his office. I think he may have initiated it by calling me into his office and saying, you know, how are things going or something like that."

Ervin: "After that he told you he did not know what the Gemstone file was?"

Reisner: "That is correct."

Ervin: "He told you that, told you and Mr. Odle that night (June 17) when he called from California it was very sensitive, did he not?"

Reisner: "Yes, he did."

Ervin: "Please remove it from the office over the weekend?"

Reisner: "Yes, he did."

Later, during questioning by Sen. Lowell P. Weicker Jr. (R-Conn.), Reisner was asked again what Magruder had told him about the Gemstone file.

Magruder, Reisner said, told him: "I don't know what it is either. Forget about it, though. It's gone."

Reisner also told the committee that after the June 17 break-in and the arrests inside the Watergate, he was instructed to go through the files "and centralize sensitive materials." After he followed Magruder's orders, Reisner said, "some of those were subsequently destroyed."

Asked by Ervin to describe what was "centralized," Reisner replied, "Virtually everything — well, I think Mr. Magruder's secretary and I looked

through his own files. I think other people on the committee did similar things and virtually anything that concerned the opposition, contenders, that sort of thing, that would have been awkward or plitically damaging to — well, no, even broader than that. Anything that would have concerned the opposition."

Although Reisner said some of the materials he "centralized" were subsequently destroyed, he testified that he personally shredded only one document.

That document, according to Reisner, was given to him on June 16 by convicted Watergate conspirator G. Gordon Liddy, then an official of the Nixon re-election committee. Reisner said Liddy gave him a sealed envelope marked "Sensitive Material," which Liddy said was for Magruder, who was in California.

Reisner said he forgot to remove the envelope from the campaign headquarters June 17 despite Magruder's telephone order to do so. On June 19, the following Monday, Reisner testified yesterday, he shredded the document himself, although he admitted that he could have just as easily handed it later to Magruder who returned that day.

On March 30, 1973, after information about a Watergate cover-up had become public, Reisner said he was called by Magruder.

"He asked me to get together with him," Reisner said. "He called me at home and asked me to get together with him that morning. He asked me whether he could take me to work. I indicated that I didn't think that was appropriate, because I presumed that the reason I was being subpoenaed before this committee was to discuss Mr. Magruder. Therefore, I didn't think it was appropriate for us to meet."

"He then called me again that morning to urge a meeting. I suggested there should be a third person there. We set a meeting. Then I chose not to attend the meeting," Reisner said.

When Magruder found out that Reisner was not going to attend the meeting, Reisner testified: "His response was very agitated. He felt he wanted to know what I thought I was doing . . . Then he said, 'I can't understand this.' He said 'You know, are you not going to be cooperative? Are you not going — everyone else has been cooperative,' or something to that effect."

"Did he tell you," Ervin asked, "at that time that you should be careful about what you said because people's lives and futures were at stake?"

"Yes, sir, he did," Reisner answered.

In an evening phone call, Reisner said, Magruder "said that he was upset, that he was sorry if he was overly anxious. He said he just wanted me to realize that there were some extremely

serious matters concerned here and that I should treat them in that way."

Ultimately, Reisner said, he did not meet with Magruder.

In addition to receiving a call from Magruder, Reisner told the Senate committee, he also received calls after March 30 from Gordon Strachan, a former aide to Haldeman, and from Herbert L. Porter, former scheduling director for the re-election committee, both of whom wanted to talk to him. Reisner said he did not meet with either man.

Following a committee executive session before yesterday's hearings, the seven senators decided to drop a minor witness and not to call Liddy to testify in an apparent effort to speed up the hearings.

Although the committee was attempting to move up the appearance of Maurice H. Stans, the re-election committee's finance director, to testify this week, Stans said in New York yesterday that he will refuse to testify unless federal criminal charges against him are dropped.

Stans is under indictment in New York on charges that he and Mitchell lied to a federal grand jury about a \$200,000 contribution they took from financier Robert L. Vesco in return for allegedly helping him suppress a Securities and Exchange Commission investigation. Stans and Mitchell also are charged with obstruction of justice.

In his testimony yesterday Reisner also said that duplicates of documents sent to Mitchell also were sent to Haldeman. "Each document to Mr. Mitchell that went through me, and would have been a formal document to Mr. Mitchell, a duplicate copy was sent to Mr. Haldeman's office," Reisner said.

"In fairness to the nature of what we were doing there (at the re-election committee)," Reisner said, "we were working for the President who was the candidate and, therefore, we were providing him the opportunity, if he wished, or if Mr. Haldeman wished, to see any documents that were taking place in his campaign."

Reisner also told the committee:

• He was never contacted or questioned by the FBI, the Watergate prosecution team or anyone else prior to his being subpoenaed by the Senate committee on March 30, 1973. After news reports of his subpoena appeared, Reisner said, he met with principal Assistant United States Attorney Earl J. Silbert, then the chief prosecutor in the Watergate investigation, on April 8. He did not say who initiated the meeting.

• It was Reisner's "impression," that former White House aide Charles W. Colson called Magruder in May, 1972, and told him to get "counter-demonstrators" for

an antiwar demonstration at the Capitol at the time of FBI Director J. Edgar Hoover's funeral there. Reisner said that when he expressed surprise to Magruder that he was going along with Colson's instructions, Magruder replied, "It is a throw-away. We have got to do things like this, because that allows us to say no when it is important." Colson has denied knowledge of plans for the counter-demonstration, at which an antiwar speaker, Daniel J. Ellsberg, was jostled.

• Liddy "may have been a very capable general counsel, but that he also occasionally did some fairly bizarre things." As an example, Reisner said, "I listened to a conversation in which Mr. Liddy basically bursts into Mr. Magruder's office and said, 'I have this idea' . . . The idea, I think, was employing some sort of demonstrators who would wear McGovern identification badges or something (at the Democratic National Convention) . . . There was on one occasion . . . a woman who would have draped at the Democratic National Convention. That was the nature of the conversation."

• Despite his own "suspicions" about the Gemstone papers, Reisner never warned Clark MacGregor, who succeeded Mitchell as Nixon campaign manager in July 1972, that his denials of improper activity by the re-election committee may have been incorrect.

"There was no question in mind," Reisner said, "that Mr. MacGregor was discussing this with people who knew the facts and the idea that perhaps Mr. MacGregor was being misled by others with whom he was working, that concerned me a good deal, yes."

Asked by Weicker why he did not tell MacGregor of his misgivings, Reisner said, "For me to go to Mr. MacGregor and say I have these suspicions, that would have indicated, I think, that I had complete lack of faith in what I have been told by Mr. Magruder and I did not. I trusted him."

Prior to Reisner's testimony yesterday, the Senate committee heard from Sally Harmony, former secretary to Liddy. Mrs. Harmony testified that Liddy dictated to her memos based on wire-tapped conversations. These memos were typed on Gemstone stationery Mrs. Harmony told the committee.

After Liddy left the committee on June 28, Mrs. Harmony said, she received a bill for the stationery. When she took the bill to Magruder, Mrs. Harmony told the senators, Magruder told her to destroy the invoice. She testified that she followed his orders without asking for an explanation.

The hearings resume today with the testimony of Hugh W. Sloan Jr., former treasurer of the Nixon re-election committee.