

Mitchell Now Says He Heard Bugging Plot at Three Meetings in 1972, But Rejected It

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**Ex-Attorney General Is
Called to the Capital
by Grand Jury**
NYTimes

Former Attorney General John N. Mitchell has told friends that he was aware of proposals to bug the Democratic opposition, and that he participated in three meetings at which these proposals were discussed. But he insists that he rejected the scheme on each occasion.

Mr. Mitchell's statements that he had been approached about a political bugging operation appear to run counter to the impression that he has sought to convey in the past that the entire Watergate affair was a complete surprise and mystery to him.

The former Attorney General's comments became known yesterday as he was subpoenaed to appear in Washington today before a Federal grand jury investigating the Watergate case.

Plea for Delay Denied

Mr. Mitchell, whose request for a delay in giving testimony was denied by Federal prosecutors, flew to Washington yesterday to confer with William G. Hundley, whom he has just retained as his counsel in the case. Mr. Hundley is a former Justice Department official.

Mr. Mitchell's trip to Washington came amid repeated reports that the Government had accumulated testimony linking the former Attorney General to both the planning and the bugging of the Democratic headquarters and its subsequent cover-up.

In private conversations here and in Washington, Mr. Mitchell has disclosed that on Jan. 24 and Feb. 4, 1972—while he was still Attorney General—and again in March, he met with G. Gordon Liddy, one of the convicted Watergate conspirators, and Jeb Stuart Magruder, former deputy director of the Committee for the Re-election of the

President.

Dean Reported Present

John W. Dean 3d, the White House counsel, was reported present at one and possibly more of the meetings.

Mr. Mitchell resigned as Attorney General Feb. 15, 1972, effective March 1.

At each of the three meetings, according to Mr. Mitchell's account, Mr. Liddy and Mr. Magruder discussed plans for bugging the Democratic opposition and each time Mr. Mitchell rejected the plan. Accordingly, he is arguing, any subsequent espionage activities, including the bugging, were undertaken in direct violation of his wishes.

Mr. Mitchell's story, as he is telling it here, would appear to contradict the impression of total ignorance of any Watergate affair that he sought to give for several months.

As recently as March 29, for

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example, he issued a statement through De Van Shumway, a public affairs officer for the re-election committee, denying assertions by James W. McCord Jr., another convicted Watergate defendant, that Mr. Mitchell had been part of the planning for the Watergate affair.

"I deeply resent," he said at the time, "the slanderous and false statements about me concerning the Watergate matter. I have previously denied any prior knowledge of or involvement in the Watergate affair and again reaffirm such denials."

Early last fall, in a deposition in a civil suit brought by the Democrats in connection with Watergate, Mr. Mitchell was asked, "Was there any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance on the Democratic National Committee headquarters?"

Mr. Mitchell replied, "No, I can't imagine a less productive activity than that."

Mr. Mitchell's account, as he is telling it here, concedes a certain prior knowledge on his part of proposals to bug the Democrats. However, he is not conceding prior knowledge of the Watergate bugging, and indeed is saying that he ordered Mr. Liddy and Mr. Magruder not to carry it out.

Mr. Mitchell's story represents his first serious effort—apart from his terse statements in the past—to set forth his

own case in what is rapidly becoming a war of charges and countercharges between former and present allies in the Nixon Administration.

The pressures on Mr. Mitchell increased today with published reports—since confirmed by Administration sources—that Mr. Magruder had told Federal prosecutors in a meeting last Saturday that both Mr. Mitchell and Mr. Dean had approved and helped to plan the Watergate operation during a meeting in February, 1972.

Charges and Countercharges

Mr. Magruder also told Federal prosecutors, sources said, that Mr. Mitchell and Mr. Dean had arranged to funnel money to the seven Watergate defendants in return for their silence.

Mr. Hundley, however, challenged the published accounts of Mr. Magruder's statements. "From what I've heard," he said, "I question its accuracy."

A Federal source also reported that Henry E. Petersen, the Assistant Attorney General who was given sole charge of the Watergate inquiry by President Nixon, is known to have some doubts about the Magruder statements and feels that further confirmation must be obtained to strengthen the Government's case.

Liddy, Mr. Dean and Mr. Magruder refused again today to turn state's evidence and testify to the grand jury.

In other important Watergate developments today:

A Watergate defendant who had pleaded guilty, E. Howard Hunt Jr., testified before the grand jury for about two hours. Later in the afternoon, Herbert W. Kalmbach, President Nixon's personal attorney who has been linked to some pay-offs in a separate Republican espionage and political intelligence operation, was seen by newsmen entering the Federal Courthouse to consult with Government prosecutors. He would not comment on the meeting.

Mr. Magruder, who had been expected to testify today, was not seen by newsmen at the courthouse and could not be located.

Attorney General Richard G. Kleindienst formally announced that he has disqualified himself from participating in the Watergate investigation because it involves people with whom "I have had personal and professional relationships."

Senator Lowell P. Weicker Jr., Republican of Connecticut, reported that a locked filing cabinet filled with paper dealing with his own inquiry into Watergate was found open in his office this morning. There was no sign of forced entry and it could not be determined whether documents were missing. Mr. Weicker is a member of the Senate Watergate investigating committee.

Peter H. Wolf, a Washington lawyer, told a Federal court that a client had informed him that Republican officials removed eight cardboard boxes of documents relating to Watergate and campaign funds from the White House a day after the June 17 Watergate break-in.

The documents were turned over to the Republican re-election committee a few days before the November election, Mr. Wolf said.

Name Prominently Mentioned

Mr. Mitchell has been prominently mentioned in capital speculation since President Nixon announced Tuesday that there had been "major developments" in the Watergate case.

Government officials initially said that a number of indictments—estimates have ranged from three to eight—would be issued within a week, but there were signs today that the grand jury had still many more witnesses to summon before it could complete its investigation.

Prosecutors are known to be hopeful that Liddy, who has been sentenced to six years and eight months in jail for his role in Watergate, will change his mind and begin testifying. His evidence was reportedly deemed crucial to the pending cases against Mr. Mitchell and other top Republican officials.

But Liddy's attorney, Peter L. Maroulis, said today after conferring with his client that Liddy "has cooperated as much as he can."

Mr. Maroulis added that

Liddy did not plan to appear before the grand jury again.

Reliable sources disclosed today that Mr. Magruder began telling his account of the cover-up planning after he was confronted by Earl J. Silbert, the Chief Assistant United States Attorney, who is heading the prosecution. Mr. Silbert is said to have told Mr. Magruder that, based on information already received by the grand jury, he was facing a possible indictment for perjury.

Mr. Magruder initially requested immunity from prosecution but did not get it. Nonetheless, reliable sources said, he began to give his account.

It was his information that prompted the White House to call in Mr. Mitchell for a later meeting last weekend with John D. Ehrlichman, the President's chief domestic adviser, the sources said.

President Nixon was reported to have decided that no potential Administration witnesses in the inquiry would be granted immunity from later prosecution, a principle subsequently enunciated in his statement Tuesday.

On the next day, Sunday, Mr. Nixon met for about four hours with Mr. Kleindienst and Mr. Petersen. Mr. Kleindienst confirmed today in his statement that he stepped out of the case after that meeting.

Mr. Mitchell apparently decided to get a Washington lawyer, a reliable source said, after receiving the Federal subpoena Wednesday. He was described as being "obviously concerned" and worried about the possibility of an indictment in the case.

Administration officials acknowledged that the former

Attorney General, one of the President's closest political associates, has become a key target of the investigation.

Mr. Mitchell was reported to be ready to tell his story in full to the grand jury.

His attorney, Mr. Hundley, who served as a high-ranking Justice Department official until 1966, expressed confidence in the fairness of Mr. Petersen. In a brief telephone interview today, Mr. Hundley said:

"I am convinced that the Justice Department is going to review all this evidence and judge it fairly and objectively and not rush into any precipitate this [Mr. Mitchell]."

Another source close to Mr. Mitchell expressed amazement at Mr. Magruder's statements to the prosecution. "Why all this big dump on John Mitchell?" he asked. "I'd like to know what made Magruder go in there," he added. "What's the big effort?"

Along with Mr. Mitchell, Mr. Magruder and Mr. Dean, three other names have been prominently mentioned in Congressional and press speculation as facing possible indictment. They are:

¶ Maurice H. Stans, the former Secretary of Commerce, who served as a chief fund-raiser for Mr. Nixon in the 1972 campaign.

¶ Gordon C. Strachan, a former White House staff aide who is now general counsel of the United States Information Agency.

¶ Herbert Kalmbach, a Los Angeles lawyer who also served as a major Republican fund-raiser in the 1972 campaign.

One well-informed Government official also said today that a full investigation into possible criminal wrongdoing in the over-all Republican fund-raising efforts last year would

be conducted and could possibly result in even more indictments at a later date.

Mr. Mitchell and the President have been close personal and professional friends for many years. They were members of the same Wall Street law firm, and Mr. Mitchell managed the President's 1968 campaign. He headed the re-election committee again last year until the Watergate affair broke, then he resigned to return to his law firm of Mudge, Rose, Guthrie, Alexander & Mitchell.

In his conversations with acquaintances here, Mr. Mitchell has made clear his belief that the true responsibility for Watergate rests not with him but with persons he will only identify as "others." His wife has been even more outspoken on this point in telephone conversations with various newsmen.

In addition, Mr. Mitchell has been privately contemptuous of some of Mr. Nixon's past and present subordinates in the White House. He does not name them but refers to them as "those little guys."

He couples these criticisms with words of praise for Mr. Dean, who worked under Mr. Mitchell and the present Attorney General, Mr. Kleindienst, in the Justice Department in 1969 and 1970 before moving to the White House as counsel.

Mr. Mitchell has said that if Mr. Dean played any role in Watergate, he was operating under the instructions of "others." Although Mr. Mitchell has not directly said so, the clear implication of these and other private comments is that he believes that one or more of Mr. Nixon's White House subordinates, present or past, authorized Mr. Magruder and Mr. Dean to proceed with the espionage campaign.



John N. Mitchell

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