

ATTORNEYS RESIST MITCHELL HEARING

Want Private Testimony
Put Off Until Senators Rule
on Public Appearance

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, June 21—Attorneys for John N. Mitchell said today that they had temporarily blocked any attempts by the Senate Watergate committee to take testimony from the former Attorney General in private.

Plato Cacheris, one of the attorneys, said today that investigators for the Senate Select Committee on Presidential Campaign Activities had expressed interest in questioning Mr. Mitchell privately this week.

But Mr. Cacheris said that he and William G. Hundley, another attorney, had opposed the questioning at least until after the Senate committee had ruled on Mr. Mitchell's request that he be excused from appearing as a witness at the televised Watergate hearings.

The committee is expected to turn down the request on Monday and to schedule Mr. Mitchell—who had been the manager of President Nixon's re-election campaign until last July—to follow John W. Dean 3d, the former White House counsel, to the witness table.

The widespread leaks of Mr. Dean's five and one-half hour private testimony to the Senate committee staff last Saturday have prompted concern among the committee members and forthcoming witnesses about the security of the closed-door sessions.

Senator Sam J. Ervin Jr., Democrat of North Carolina and chairman of the Watergate panel, said today that he knew of no way to guarantee that information obtained in the private sessions would not trickle into public print.

A number of publications, including The New York Times, have quoted extensively from the confidential staff summary of what Mr. Dean told the Senate investigators last week. In addition, The Times has made public a private document giving the White House version of what took place in 18 meetings between President Nixon and Mr. Dean about the Watergate case.

"I know of no way to stop men from talking," Mr. Ervin told reporters. "The only way men who have responsibility for keeping secrets can do so

is by exercising will power, and if they refrain from using will power, then no one can force them to do so."

Senator Howard H. Baker Jr., the Tennessee Republican who is the vice chairman of the Watergate panel, reiterated today his concern that the news leaks might make it difficult to obtain information from future witnesses before they appeared in public.

Mr. Mitchell's attorneys have asked that he be excused on the ground that he has been identified by Government prosecutors as a "target" of a grand jury investigation of the Watergate conspiracy. The attorneys feel that Mr. Mitchell might be forced to reveal his legal defense, in advance of indictment, if he is required to answer questions by the Senate committee.

Opposition May Ease

But Mr. Cacheris said in a telephone interview today that if the Senate panel insisted on Mr. Mitchell's appearance, he probably would not oppose preliminary closed-door questioning of Mr. Mitchell.

Charles N. Shaffer, one of the attorneys for Mr. Dean refused on Tuesday to permit the Senate committee to take any more private testimony from Mr. Dean because of the leaks of earlier testimony.

Robert C. McCandless, another of Mr. Dean's attorneys suggested today that the leaks were the result of efforts by the White House to discredit Mr. Dean before he read a 150-page statement to the Senate committee and the television audience on Monday.

Mr. McCandless said that the week-long delay in the Senate hearings because of the United States-Soviet summit meeting had given "the people who were going after [Mr. Dean] time to put a task force together."

He cited the declaration yesterday by the Senate Republican leader, Hugh Scott of Pennsylvania, that Mr. Dean was a "turncoat" as an indication of the effort to discredit Mr. Dean.

Senator Scott told newsmen today that he had not heard from the White House before criticizing Mr. Dean. He charged that Mr. Dean "has been leaking like a sieve with considerable bravado."

Mr. McCandless said that another consequence of the postponement of the Senate hearings, however, was that it had given Mr. Dean more time to recall specifics of his contacts with the President.

"We've got a better statement," Mr. McCandless said. "He came up with more stuff on Presidential conversations."

Mr. McCandless did not say what the information was.