

# Excerpts From Mitchell's Testimony Before

Special to The New York Times

WASHINGTON, July 10—  
Following are excerpts from  
a transcript of testimony of  
John N. Mitchell on the 17th  
day of hearings on the Water-  
gate case today before the  
Senate Select Committee on  
Presidential Campaign Activ-  
ities:

## MORNING SESSION

MR. DASH: Were you aware, Mr. Mitchell, of the so-called Huston plan which we have received as part of the testimony of this committee for an inter-agency intelligence program which would improve somewhat the intelligence gathering in this country?

MR. MITCHELL: Well, there was a matter of time in connection with it. I was not aware of the fact that the heads of the various agencies were meeting on the subject matter. It came to my attention, was brought to my attention, by the Director of the Federal Bureau of Investigation. To the best of my recollection I met with Mr. DeLoach and I met with Mr. Hoover. We discussed the so-called Huston plan which is the term that you have been using. The document that we discussed very briefly, I didn't get into many of the details of it it was more an oral discussion of it, at that stage had Mr. Hoover's dissent to the provisions of it.

I was of the opinion, I needed very little convincing by Mr. DeLoach and Mr. Hoover that this was not the proper approach to the problems that existed at the time, and I joined Mr. Hoover in opposing its implementation.

Q. Were you aware, Mr. Mitchell, that the plan did provide for removing certain restrictions against illegal break-ins or electronic surveillance? A. Oh, yes, these items were discussed in conversations that I had with Mr. DeLoach and Mr. Hoover.

### Question on Plan

Q. Did you have the plan ever in your possession or did you peruse the plan? A. I had, as I recall, the plan in my possession during the period that the director of the associate director of the F.B.I. was discussing it with me.

Q. Well, did you know who in the White House were backing the plan? A. No, I can't say who was backing it and who was opposed to it but obviously Mr. Huston was apparently backing it because he was the author of part of it. The other people in the White House that I communicated with, at the stage in the process in which I communicated were understanding of the position that the director and that I was supporting and the matter was disposed of.

Q. Well, were you aware of the so-called Haldeman-Huston memos relating to this plan? A. No, sir, I do not recall seeing any White House correspondence on the subject.

Q. Did you know the plan had at one time been approved by the President? A. No, sir, I did not know that until these hearings were held.

Q. Why did you oppose the plan, Mr. Mitchell? A. I opposed the plan for the very simple reason that in the case of domestic problems that I was very much opposed to the thought of surreptitious entry, the mail covers, and all of the other aspects of it that were involved at the particular time.

Q. To whom did you express this disapproval other than Mr. Hoover or Mr. DeLoach? A. My recollection is that I talked to both Mr. Halderman and the President about the subject matter.

Q. Did you know their reaction to your opposition at that time? A. My recollection is that they, both of them were appreciative of my views on the subject matter and reconsidered it and that was the end of it.

Q. Well, did you ever receive any formal notice that the plan had not been approved or had been discontinued or been terminated? A. Not to my recollection, I was just told verbally that it was nil.

Q. Or whether it had been approved? A. No, sir.

### Unaware of 'Plumbers'

Q. During 1971, were you aware of an intelligence operation that had been set up in the White House under Mr. Ehrlichman and Mr. Krogh which has become known as the "plumbers" operation? A. No, sir.

Q. Did you—was there a time that you did become aware of that operation? A. Yes, sir, I did.

Q. When was that? A. After June 17, 1972.

Q. Now also, Mr. Mitchell, in 1971 were you aware of the so-called Sandwedge plan proposed by Mr. Caulfield for political intelligence operations? A. I was aware of the concept that Mr. Caulfield was proposing and, of course, I opposed that and it never came to fruition.

Q. Did you ever have a copy of the so-called Sandwedge proposal or plan in your possession? A. Not the best of my knowledge, my knowledge of it came in discussions with John Dean.

Q. Were you aware that that plan also included a so-called covert operation and the use of bugging or electronic surveillance? A. No, I

have seen that in one of Mr. Dean's exhibits but that was not the understanding that I had of the so-called Sandwedge proposal.

Q. Did you know that the budget included actual funds to purchase electronic surveillance equipment? A. No, sir, I had never got that far with the subject matter.

### Caulfield's Role Examined

Q. Now, in any event, did you, after the recommendation of Mr. Caulfield for the so-called Sandwedge plan, did you hire Mr. Caulfield for any operation or any particular assignment?

the Senate Committee on Watergate

DAY, JULY 11, 1973

C 21

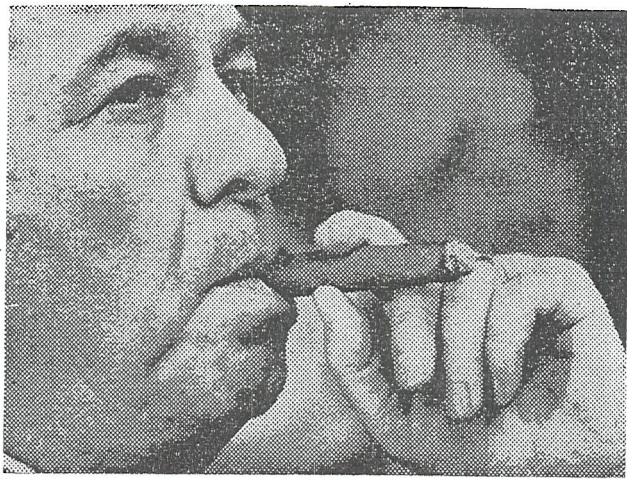
A. There has been shown to me by this committee a memorandum that had to do with an investigation that apparently was made under Mr. Caulfield's aegis having to do with the so-called McCloskey campaign up in New Hampshire. I do not know who hired him or who paid him. I have seen the memorandum.

Aside from that, I would go to the point that Mr. Caulfield, who I saw on the 24th day of November, 1971, wherein Mr. Dean brought him over to discuss the concept of his working for me in the campaign if and when I joined the campaign, Mr. Caulfield did come to work for the committee as what was purported to be an aide-de-camp at sometime in March and within two weeks or so, he was gone, had left the committee.

Q. Now, Mr. Mitchell, what role did you play in the setting up of the Committee for the Re-election of the President?

A. Well, the basic role, I believe, was the discussion with the President to the point that he still had to get nominated in his second term and there was a committee





Senator Herman E. Talmadge

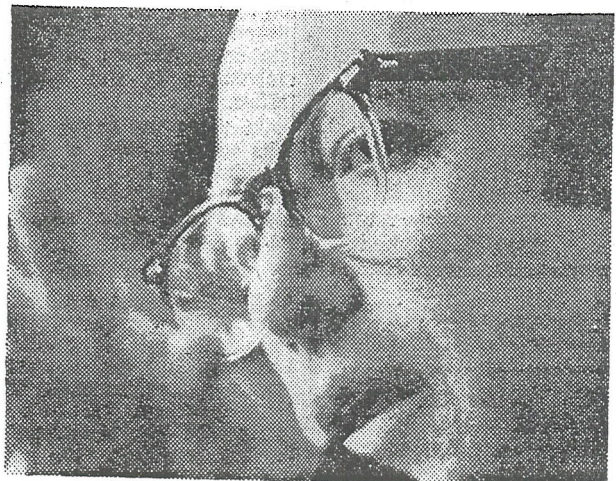


Fred D. Thompson



Senator Edward J. Gurney

United Press International



Samuel Dash

The New York Times

A. Mr. Magruder was again concerned — well, he did not express it, too directly—that he thought he might become the fall guy. It seems to me that everybody around this town involved in this all thought they were going to become a fall guy.

Q. Did you, Mr. Mitchell?  
A. Did I? No. Contrary to the story that I have read I did not believe that to be the case. I am quite anxiously waiting to see if there is some possibility of that other than some misguided counsel who wrote a piece of paper from which cross-examination was to be made.

Q. Getting back to Mr. Haldeman and Mr. Magruder's meeting with you on March 28th. A. Yes, it was the same general discussion, "I may have problems with my perjury, I don't have any

money, am I going to be deserted, are you people still going to be friends, will I be able to get counsel," and this type of conversation.

Q. Did Mr. Haldeman make any kind of promises to Mr. Magruder at that time, in your presence? A. None other than the fact to help him as a friend and I think Mr. Haldeman has testified to that.

Q. Now, did you ever have a meeting with Mr. Magruder and Mr. Dean after that meeting with Mr. Haldeman?  
A. Yes sir.

Q. What was that meeting about?

A. Well, this was at Magruder's request because he again was concerned about this perjury question that he might have, and the meeting was a quick run through again of the recollection of the individuals as to what was discussed prior to Mr.

Magruder's third appearance before the grand jury back in September.

Q. Did you agree at that time, Mr. Mitchell, that you would hold the line, at least, if you were called, to limit the meeting to a discussion of the election laws?

A. No, that was not the basis to hold it to the election laws, Mr. Dash. The basis of it was for the recollection of what had happened and how it would have affected Mr. Magruder in perjury. You see, if you go back, Magruder had said there only had been one meeting when there actually had been two, and so forth. It wasn't a question of holding the line on anything. It was a question of the recollection of what actually did happen vis-a-vis what Magruder apparently had testified to.

#### Meetings of Dean

Q. Were you personally aware of Mr. Dean's meetings with the President in March and April that he testified to before this committee? A. Only the meeting of March 22d at which, of course, I was present.

Q. At that meeting was there any discussion by the President, by you or by Mr. Dean, concerning the Watergate, either cover-up or who may be involved in an indictment or anything like that on the 22d?

A. None whatsoever. The total discussion had to do with the White House's response to this committee, and I think it was prompted, or at least that was my understanding at the time, it was prompted by the fact that the President was getting a pretty good knocking around in the press on the question of executive privilege. I believe it arose with respect to the Gray hearings but it certainly

was to be applicable to this committee's hearings.

Q. Well, just a couple of last questions, Mr. Mitchell: I think you testified already, and quite frequently, that you did not personally inform the President of any of these so-called White House horrors or the efforts to keep the lid on and the "plumbers" activities, that is correct?  
A. Yes.

Q. Are you personally aware of anybody else having any conversation with the President concerning these activities? A. Not in my presence. I am not aware of anybody ever having reported to me that they have had.

Q. Likewise it is your testimony that the President did not discuss these events of the cover-up with you or, to your knowledge, with anyone else? A. He has not discussed them with me, to my knowledge, the answer is correct.

Q. To your knowledge. Therefore, then, Mr. Mitchell, I am briefing your testimony at this time before the committee, is it not fair to say or is it not true that, according to your testimony, you are not in a position to state to this committee of your own knowledge whether the President in fact knew or did not know of the break-in or the bugging of the Watergate or the cover-up efforts that took place after June 17, 1972?

A. The only thing that I can state to my own knowledge, Mr. Dash, is that so far as I know he does not know of either of those circumstances.

Q. That statement you have just made is not based on anything the President



told you specifically, anything anybody told you that he had told the President? A. I understand the thrust of your question. That is correct. It is based solely

on my association with the President and not conversations on the affirmative side of the subject matter.

## AFTERNOON SESSION

MR. THOMPSON: You never saw any Gemstone documents that you remember?

MR. MITCHELL: No, sir.

Q. In retrospect, would there be any materials that were a product of electronic surveillance without knowing that they were?

A. No, I would believe that electronic surveillance, after my experience in the Justice Department—I do not know in what forms they are; I have not seen them to this date. But after by experience in the Justice Department, I think I would have a pretty good idea of what the source of it might have been, unless it was totally disguised.

Q. At the time that the break-in occurred, what was your professional political judgment as to how the President stood with regard to his chances for re-election?

A. Well, we go back to the middle of June and, of course, he had improved substantially from his previous lows vis-à-vis the then front-runner, Senator Muskie. That looked like he was on the ascendancy.

Q. Had not some polls indicated that at one time or another, Mr. Muskie was ahead of Mr. Nixon? A. Yes, but I believe, if my recollection is correct, that this was somewhat earlier than in June.

Q. You didn't consider him in trouble at that time?

A. When you are running a campaign, you consider anybody who is likely to get the nomination against your candidate, you may have a substantial amount of trouble with them.

Q. The extent of the problems you might visualize might have something to do with the measures you might take to confront it, would it not?

A. I don't believe that anybody thought the election was locked up, certainly with respect to the time element of June 17, with the potentials of the people that might become the Democrat candidate at the convention that was taking place in July. There were a great deal of uncertainties as to who the candidate might be and as to what the circumstances might be vis-à-vis the incumbent who was seeking re-election.

### Debriefing of Liddy

Q. Let me refer to June 19th or 20th, I am not quite sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the break-in, his involvement, and the involvement of others.

And at that time, he related to them some of the White House horror stories, I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but

as I understand your testimony this morning, this is really the reason, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story to present to the grand jury.

A. Along, Mr. Thompson, with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extra-curricular wiretapping, and a few of the others.

Q. Okay. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that

sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

A. That is a correct summary of my motivation and rationale for the actions that I did take.

Q. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that he said, Liddy said, that Magruder had jushed him and the break-in at the Ellsberg psychiatrist's office, I believe, and the Dita Beard situation.

What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

### Heard Different Versions

A. To the best of my recollection, and of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe was the discussion at that particular time.

Q. Did he indicate, according to them, that the budget for the electronic surveillance operation which led to the break-in of the D. N. C. had been approved by the White House?

A. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or Larue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Q. Did you ever verify any of these facts with the President? A. No, sir, I never discussed them with the President.

Q. Did you ever verify any of them with Mr. Haldeman? A. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Q. Did you ever talk directly with Ehrlichman about these matters? A. Not in that time-frame. I am such they were discussed substantially at later dates.

Q. In 1973? A. Well, yes, possibly before the end of 1972, certainly in 1973.

Q. At this time did you know of Hunt's involvement? Did Liddy tell them about Hunt's involvement? A. Yes, I believe he did. In fact, I am sure he did.

### Liddy's Information

Q. So, in effect, is what you are saying is that you were basing your later activities concerning Magruder's testimony and concerning the payments and these sort of things as embarrassment upon the hearsay information of this man that presented these outlandish and wild-eyed proposals in your office. It would seem like you want some verification from him.

A. Let us back up, Mr. Thompson, a little bit. You are jumping from the 21st or 22d of June all the way to knowledge that I obtained in the fall and I keep reminding you that Mr. Dean was also aware of these factors and was discussing them with me and with other people. We are talking about the White House problems now, is that what you are having reference to?

Q. Yes, sir. A. So it was not just what Mr. Liddy had told Mr. Mardian and Mr. Larue on the 20th, 21st and 22d of June. There were further affirmations of the facts that come out of the White House from Mr. Dean.

Q. Such as what, concerning these matters that we

have been discussing? A. Well, as I said a minute ago one of the things that I did not believe that Mr. Liddy had any reference to in the Mardian-LaRue briefing was the papers and how they had been handled.

Q. Do you recall the date that you became aware of any money was being paid to any of the defendants or families or attorneys? A. No, I do not recall the date but it was well after the matter was in progress and in operation. There is testimony by Mr. Dean that there was a meeting.

Q. June 23 or 24, I believe.

A. On June 28th.

Q. And 28th.

### C.I.A. Involved

A. June 28th. You see, Mr. Dean had testified that they had been playing games with the C.I.A. up to the 28th. Then, Mr. Dean testified that there was a meeting in my office with Mardian, LaRue and Mitchell and I do not know who all else including Mr. Dean in the afternoon of the 28th in which it was decided, naturally Mitchell was always deciding these things, according to Dean, that the White House, somebody in the White House, John Ehrlichman should call Kalmbach and ask him to fly back from California that night of the 28th, which led to their meetings on the 29th. The only problem with all of that was that I was in New York and could not have been at such a meeting, and I was not aware of it.

Q. I believe your logs reflect that Mr. Mitchell. It reflects that according to your logs that you were in New York on the 28th. And that you arrived in D. C. at 5:30.



A. Yes, sir.

Q. There is no indication of any meeting after 5:30. A. That is correct. The passenger that I had with me coming back from New York was not about to allow me to go to any more meetings on that particular day.

Q. Without getting into a great deal more detail, Mr. Mitchell, can you answer any further point of verification that Mr. Dean gave you concerning this matter we mentioned, the Ellsberg psychiatrist, the Dita Beard situation, any of those matters?

A. Well, of course, there was the purported fire bombing of the Brookings Institute which had been discussed and so forth, I have already—

Q. Did Dean tell you that was seriously proposed at one time? A. Yes, I believe that I took it as a very serious proposal because of the fact that he flew across the country in order to get it turned off.

#### Question About \$350,000

Q. Dean testified that during the first week of December you called Dean and said that you would have to use some of the \$350,000 at the White House to take care of the demands that were being made by Hunt and that others—for money and that you asked him to get Haldeman's approval for that. Is that a correct statement?

A. No, that is absolutely untrue as far as I am concerned. I had no official capacity, I had no control over the money and there would be no reason why I should call Dean or anybody else with respect to it and I did not so call Dean.

Q. Dean testified that shortly before the trial when the demands for money were reaching the crescendo point again you called Dean and once again asked him to ask Haldeman to make the necessary funds available and that after Dean talked to Haldeman the decision was made to send the entire \$350,000.

A. Well, I would respond to that the same way I did to your last question.

Q. Dean testified that on Jan. 10 he received a call from O'Brien and you indicating that since Hunt had been given assurances of clemency and that those assurances were being passed to Hunt and others that Caulfield should give the same assurances as to McCord who was becoming an increasing problem and again Dean was told that McCord's lawyer was having problems with him. Is that true?

A. I think that Mr. Dean if he will go back and check his logs will find that I was out of town in Florida when he started the McCord Dialogue, and that there would be no reason in the world for me to direct Mr. Dean to do

anything vis-a-vis Caulfield or McCord or anybody else?

Q. Let me ask you about one more piece of testimony, the meeting on March 22 which you had with Mr. Haldeman, Ehrlichman and Dean, I understand you met with them and that afternoon you met with the President. A. Yes, sir.

Q. I believe that Dean testified that Ehrlichman turned to you and said, asked if Hunt had been taken care of or his money situation had been taken care of and you assured him that he had been taken care of, is that correct?

A. It is absolutely false as far as I am concerned because I have never, to my knowledge, discussed any of these payments with John Ehrlichman and any of the specifics of that nature with respect to any individual, and I wouldn't have known on the 2d of March whether Mr. Hunt had been taken care of or hadn't been taken care of.

SENATOR TALMADGE: Mr. Mitchell, in your testimony, you have repeatedly referred to "White House horrors." What do you mean by that phrase?

A. Well, as we have discussed them here, Senator, they certainly involved the break-in of Dr. Ellsberg's doctor, I think we had better put it instead of the other phrase that is used; the Dita Beard matter, both with respect to, apparently, the removal of her from the scene as well as visits or attempted visits. We are talking about the Diem cables; We are talking about the alleged extra-curricular activities in the bugging area, the bombing of the Brookings Institute, and a lot of miscellaneous matters with respect to Chappaquiddick and this, that, and the next thing. Those are the areas of which I am talking.

#### Role in the Campaign

Q. Did you play an active supervisory role in the campaign before you resigned as Attorney General?

A. What I did was succumb to the President's request to keep an eye on what was going on over there and I had frequent meetings with individuals dealing with matters of policy; also with individuals who would bring other individuals over to introduce them to me and discuss their talents and their qualities with respect to filling certain jobs in that particular area. Yes sir, I did.

Q. You would consider, then, that you did play an active supervisory role before you resigned as Attorney General? A. If you would change "supervisory" to "consulting," I think I would be much happier.

Q. Did it get beyond the consulting capacity? A. Well, it might have been in areas where I let them know my opinion quite forcefully and strongly, but I think that would still fit under the role of consultant.

Q. Didn't you testify to the contrary before the Judiciary Committee on March 14, 1972? A. Senator, I am glad you asked me that, I was waiting for somebody to

May I read the dialogue?

Q. Yes. A. I was hoping that would come up.

Q. I am glad to accommodate you, sir.

A. Thank you. Because this subject matter has been bandied about and I think quite unfairly. This is a question by Senator Kennedy: "Do you remember what party responsibilities you had prior to March 1st?"

"Mitchell. Party responsibilities?"

"Kennedy: Yes. Republican party."

"Mitchell. I do not have and did not have any responsibilities. I have no party responsibilities now, Senator."

Now, it seems to me that this committee has spent about six weeks trying to make a distinction between the different parties and the committees for the re-election of the President, and I look upon it the same way.

#### Additional Quotes

Q. Let's read a little further, Mr. Mitchell. A. This is the only quote I have. Do you have something more on that?

Q. Yes. Let me read it for you.

Q. Next question. "Senator Kennedy. No re-election campaign responsibilities?"

"Mr. Mitchell. Not as yet. I hope to. I am going to make the application to the chairman of the committee if I ever get through with these hearings."

A. I can't believe that The

Washington Post could be so mistaken.

Q. May I send it to you for the refreshment of your memory, sir? A. I would like to see it.

Q. I will ask a member of the staff to show Mr. Mitchell page 633 of the hearings of Mr. Richard G. Kleindienst, resumed, on March 14, 1972. A. Senator, I still think that relates, that phrase that you read that isn't in The Washington Post, relates back to the same subject matter.

Q. You testified a moment ago in response to a question that I have asked you that you did have campaign responsibilities prior to the time you resigned as Attorney General. And yet, on March 14th, before the Judiciary committee, I quote again: "Senator Kennedy: No re-election campaign responsibilities?" That is a question. "Mr. Mitchell, not as yet." Isn't that negative?

A. That is negative. It relates back to the Republican party, Senator, in the way I read the context and this one was so intended.

Q. "No re-election campaign responsibilities?" I ask you who was running? Mr. Nixon? And is he a Republican? A. I think the answer to both those questions is yes.

Q. I would concur with that. I still don't get the thrust of your testimony when you testified a moment ago that you had no, that you did have election responsibilities and yet before the Judiciary Committee of the United States Senate on March 14, 1972, you testified exactly the opposite.



A. Senator, I got back to the statement that I made before, that this refers to the Republican party and this is the reason that I raised the question and responded to it and it was my intention to do so in that context.

Q. Mr. Chairman, I desire to send to Mr. Mitchell a number of documents here wherein he was exercising his responsibility as director of the campaign, one dated June 22, 1971, one dated as far back as Jan. 14, 1972, all marked "confidential," memorandum to the attorney general, one involving the Republican National Committee budget, the other a telephone budget, the other a telephone plan for the Florida primary.

A. Senator, I have no recollection of the first one relating to the Republican National Committee budget. I have a vague recollection of this one in January, having to do with the telephone plan for the Florida primary, and I am quite sure that the writing at the bottom here in connection with the comment which says, "hold for November pending standing in the polls" — "hold for now," I guess it is, not November — "pending standing in polls" is not my writing. But —

#### Language an Issue

Q. Mr. Mitchell, you testified under oath in response to a question of mine a moment ago that at the request of the White House you were actively involved in the campaign. If I can read the English language correctly, on March 14 of last year, you testified to the opposite before the Judiciary Committee. One or the other of your statements is in error. I am inserting them in the record only so the public can draw their own conclusions as to which was in error.

A. I dispute your statement with respect to the discussion before the Judiciary Committee and I would like to go back to my statement and stand on that answer.

Q. That is part of the record and that is the reason, Mr. Mitchell, that I inserted both of them in the record so the American people can draw their own conclusion as to which is correct. I am not arguing with your testimony, but if I can read the English language in two different places, they are the

opposite of each other. You state that they aren't. If I understand English, and I learned it in a small country school, in Telfair County —

A. So did I, Senator, a very small one. Q. We both studied the same English, I assume.

A. That is why I am surprised you don't agree with my interpretation. Q. Let's get on to another matter.

SENATOR ERVIN: Could I ask for his interpretation so I can understand it? It is your position that working for a Republican candidate for President gave you no responsibilities in respect to the Republican party? A. That is it entirely, Mr. Chairman. That is the question that I asked of Senator Kennedy.

SENATOR ERVIN: Thank you.

SENATOR TALMADGE: Mr. Stans testified before the committee, Mr. Mitchell, he stated his sole responsibility as chairman of the finance committee was to raise the money and he testified that it was your responsibility, as I recall, as chairman to determine the expenditures thereof.

Now, we had some more than a million dollars in cash that was not accounted for during the expenditure. Thus, as I understand it, Mr. Mitchell, Mr. Stans had implicated you as being responsible for these cash disbursements.

Would you comment on that?

A. I don't believe that that,

Cont'd on Following Page

Cont'd From Preceding Page

Senator, in all deference to you, is the testimony of Mr. Stans in any form, shape, or circumstances about that. By the time that became active, and I am saying active as distinguished from consulting, in the campaign, we were working on budgets, which Mr. Stans and his people on the finance committee were part and parcel of, just as I was on the political side, and we were working under the budget. Mr. Stans was part of that.

Clarification Sought

Q. Let's see if we can clarify it. It was Mr. Stans's responsibility to raise the money, as I understand it. Is that an accurate statement?

A. No question about that.

Q. Whose responsibility was it to disburse it? A. Well, it was actually disbursed by the finance committee, but I am sure that is not the thrust of your question. Your question is who authorized the programs for which the money was spent. I think that is the question?

Q. Yes, who could call up over there and say give X number of dollars or write a check for such and such an amount? Who had the authority to do that? Was it you or Mr. Stans? That is what I am trying to get at.

A. It depended on the period of time involved, Mr. Talmadge. Before their budgets were put together, it was done in the way you said, that we authorize this program and so and so can get so much money.

Q. The expenditures that were paid out by Mr. Sloan, as I recall, various lawyers fees, and bail fees, and living

expenses, were authorized by you, is that a correct statement? A. To my knowledge, Mr. Sloan never made such payments.

Q. Who did? A. To my knowledge there was never any money paid out of the committee for that purpose.

Q. Where did that money come from? A. Well, I believe Mr. Stans testified, and I am no expert on this subject matter because I don't know all of the answers to it, I believe Mr. Stans testified that at Mr. Kalmbach's request and this is the first public knowledge that I have as to how this got started, that on the 29th of June, Mr. Stans turned over monies

that were not part of the campaign monies to Mr. Kalmbach in the amount of \$75,000.

Q. I believe he testified that he checked with you on that and you authorized it, is that correct? A. Who did this?

Q. Mr. Stans, as I recall. A. No, he did not. No, Sir, I beg your pardon.

Q. Who authorized that disbursement? A. That was not a disbursement of campaign funds. This was monies that Mr. Stans testified that he had outside of the campaign and that he turned them over to Mr. Kalmbach at Mr. Kalmbach's request. Mr. Kalmbach having said this was for an important White House mission and I am quite certain that is the testimony.

Q. How does a campaign get money outside the campaign? A. This has always been a very interesting question to me.

Q. There was a great deal of testimony that this committee has had, as you know,

about disbursement of funds, and we found that over a million dollars was disbursed in cash with no checks to support it or anything else. Some cash was banded around in large amounts, and it was amazing to me that a man as able, a certified public accountant, as Mr. Stans would let money be handled in such a loose fashion. You would concur that you ought not kick around a million dollars in cash without accountability, wouldn't you?

Witness Concurs

A. I would subscribe to that wholeheartedly, in fact I would do down to half a million or a quarter of a million.

Q. Or even one dollar. A. I agree with that.

Q. With whom in the White House did you discuss the Watergate break-in?

A. Well, it depends, of course, as I testified earlier this morning in the context of it. Talking with, starting at the top, with the President, I believe it was the telephone call that I had on the 20th of June in which — this was before the debriefings that I had had and had not any particular knowledge of it, discussed it to the point where I thought it was ridiculous and thought I had been very remiss as being the campaign director and not ever being able to keep a rein on the individuals that were working for the campaign. At that time I had in my mind, of course, the fact that Mr. McCord was the only one who was involved in the particular incident.

Q. Let me see if I can identify that telephone call, that was on the 20th of June, according to the logs that the committee has, that

took place by telephone between the 6:00 P.M., and 6:12 P.M., is that correct? A. That is the one, sir.

Q. What did you tell the President about the Watergate break-in at that time? Did you tell him employees of the committee to re-elect the President were involved in it? A. I assume the President knew that because it had been in the newspapers by then, to my recollection



but what I really recall about the conversation was more. Q. When did you talk with Mr. Haldeman about the break-in? A. I have recollection of it but it was some time thereafter. Q. Was it shortly after June 20th? A. I would probably believe that would be the case. Q. When did you talk to Mr. Ehrlichman about it? A. Well, I talked to Mr. Ehrlichman—Mr. Ehrlichman called me in California when I was out there and asked me, in effect, I think there has been testimony to the effect here that somebody suggested he do it. He called me out there and asked me what it was all about and I said, "I do not know, we will find out and we will get back to you." That was the substance of that conversation.

Q. That was either the 17th, 18th or 19th or thereabouts? A. It was either Saturday or Sunday because on the 19th, which was Monday, we left rather early for the return to Washington.

Q. When did you talk to Mr. Colson about it? A. I have no idea but it would have been somewhere much further down the line.

Q. Did you direct Robert Mardian to telephone Liddy on June 27th and ask him to try to persuade Mr. Klein-

dienst, then acting Attorney General, to arrange for Mr. McCord to be released from bail as Mr. Magruder has testified?

A. No, sir I am sure, I assure you, that would not be the case. There was some conversation that somebody might call up the acting Attorney General to find out what the hell happened but I noticed in Mr. Magruder's testimony he said that I selected Mardian because Mardian was a great friend of Liddy's and if there is anybody who were on the opposite ends of the stick it would have been Mardian and Liddy.

#### Meeting Took Place

Q. Mr. Dean testified that on March 28, 1973 he met with you and Mr. Magruder and that you indicated to Mr. Dean that his testimony could cause problems. Did that meeting take place?

A. There was a meeting on 28th but I believe that the phrase that you have quoted has come out of a memorandum that Dean has submitted to this committee dealing with a meeting that we had on April 10th. Now, I may be mistaken in connection with that but the meeting I had with Dean on March 28th, there was Magruder present at the meeting and really what the discussion there was the recollection of the meeting in the Justice Department, the one where the statement was made that there a possibility of Dean testifying before the grand jury could provide problems for the President I believe was at the April 10th statement.

Q. Did you make a statement that his testimony could cause problems for the

President? A. I would believe that I would have put it in that frame because this would provide the entire unravelling of all of the "plumbers" activities and all of the White House horrors.

Q. What did you mean by that statement? A. Just what I said now.

Q. That you wanted it kept concealed? A. I was not anxious to volunteer any information with respect to the White House horrors or the "plumbers" operations that would hurt this President.

Q. It's been observed in the press, in Mr. Dean's testimony, that Mr. Haldeman and Mr. Ehrlichman tried to smoke you out and get you to take the blame for this whole affair, that you were shaken by the circumstances and now isolated from the President. Would you like to comment on that? A. Now where does this come from?

Q. Dean, among others, and various—A. This is not a direct quote from Dean, you are also reading Evans and Novak and a few others.

Q. Newspaper comment. A. And a few other throw ins of hypothetical—

Q. Perhaps one of the contributing factors to it is the last time you visited the White House you didn't even see the President as I understand it. A. That was my exact determination that I should not under the circumstances.

Q. So you have not been isolated from the President?

A. I have—well let me answer your question first: There has been running through Mr. Dean's testimony on a number of occasions the reference that you know, "Mitchell come forward and take the blame for all of this

and this will solve all of the problems," and of course I have been meeting with these people from time to time during this period. But the only one I have ever heard that story from is Dean. Neither Haldeman or Ehrlichman or either Colson or Shapiro have come to me with that story so the only one I have ever heard from is Dean.

Q. One thing I can't understand, Mr. Mitchell. As I understand it, you have been probably closer associated with the President than probably any man. You were his law partner, probably his most trusted confidant and adviser. You had immediate access to the White House at any time, to the President's office, including a direct line. Is that a fair statement?

A. It is extremely complimentary.

Q. Now, you have been in public office, in positions of high responsibility in government. I have had that privilege also as Governor of my state and now for 16½ years in the United States Senate. To my mind, the first requirement of a subordinate and adviser and confidant in any capacity is absolute and implicit trust. If they see anything going wrong involving their superior that needs immediate corrective action, they report it instantly. When you found out all these crimes and conspiracies and cover-ups were being committed, why on earth didn't you walk into the President's office and tell him the truth?

A. It wasn't a question of telling him the truth. It was a question of not involving him at all so that he could go through his campaign without being involved in

this type of activity, and I am talking about the White House horrors particularly. As I have testified this morning, I was sure that, knowing Richard Nixon, the President, as I do, he would just lower the boom on all of this matter and it would come back to hurt him and it would affect him in his re-election. And that is the basis upon which I made the decision. And apparently, others concurred with it.

Now, I am not speaking for them. It may very well be that I was wrong, that it was a bad matter of judgment.

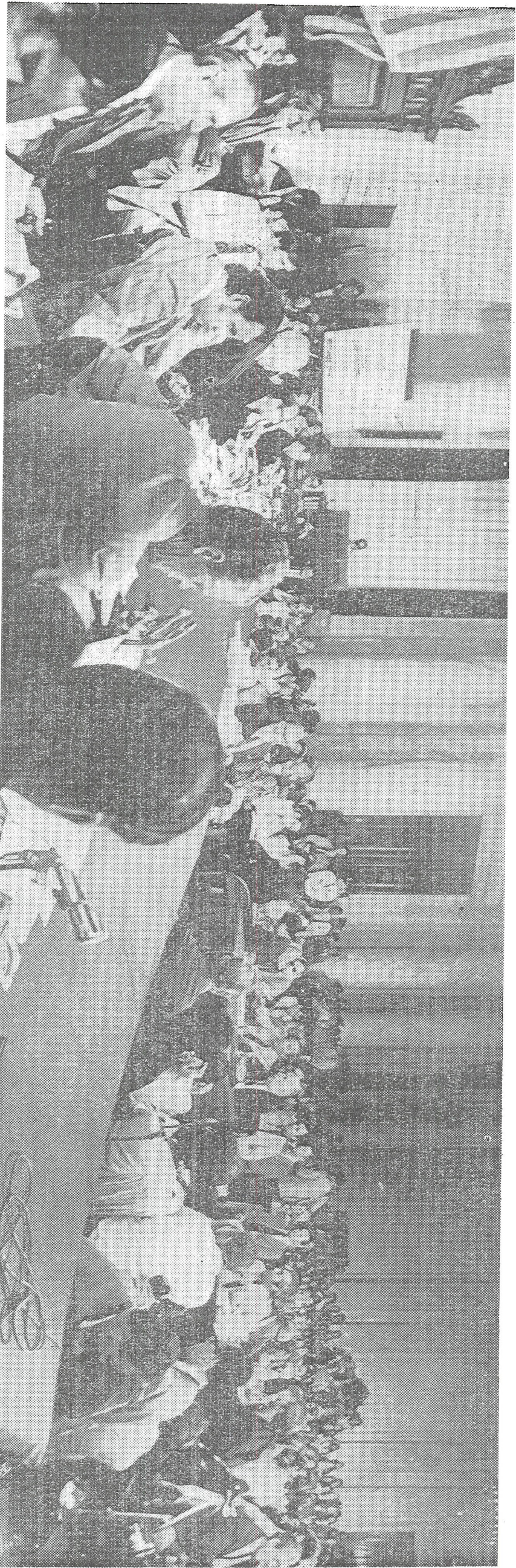
Q. Am I to understand from your response that you placed the expediency of the next election above your responsibilities as an intimate of the peril that surrounded him? Here was the deputy campaign director involved, here were his two closest associates in his office involved, all around him were people involved in crime, perjury, accessory after the fact, and you deliberately refused to tell him that.

Would you state that the expediency of the election was more important than that?

A. Senator, I think you have put it exactly correct. In my mind, the re-election of Richard Nixon, compared with what was available on the other side, was so much more important that I put it in just that context.

Q. Do you think anything short of a trial for treason would have prevented his election? A. Well, it depends on what areas we are talking about Mr. Thompson and I went through that, and of course, depending upon what time and what area it was in.





As the Watergate hearings resumed, John N. Mitchell, former Attorney General, wearing dark suit, sat at the witness table surrounded by newsmen. At committee table, from front: Senator Lowell P. Weicker Jr. of Connecticut; Senator Edward J. Gurney of Florida; Fred D. Thompson, minority counsel; Senator Howard H. Baker Jr. of Tennessee, hidden; Chairman Sam J. Ervin Jr., Samuel Dash, chief counsel, who asked questions in the morning.

The New York Times/Mike Lien



the telephone or when my wife called on the telephone—by the way, my wife called a lot more often than my daughter—but regardless of who it was that called and who came into the office that was logged in that particular circumstances.

Q. Well, are you aware now, you have not followed all the testimony, Mr. Mitchell, but are you aware that some time earlier at the beginning of these hearings that Mr. McCord in his early testimony before this committee gave some corroborating evidence although hearsay as it was, to the effect that Liddy told him that the reason they had to go into the D.N.C. on June 17 was because you, Mr. Mitchell were unhappy about the false or the ineffective working operation of the O'Brien bug.

A. Mr. Dash, that fits right in with Mr. McCord's testimony as the only reason he did anything of this was because he thought he had the approval of the Attorney General of the United States and the counselor to the President, that just fits right in with it. But the fact of the matter is that I never saw or talked to Mr. Liddy from the 4th of February until the 15th of June.

#### The First Information

Q. All right, now, Mr. Mitchell, where and when did you first learn of the break-in of the Democratic National Committee headquarters that took place on June 17, 1972?

A. Well, I was in California for the weekend on an extensive round of activities and, to the best of my recollection, Mr. Dash, it was on Saturday morning, I am not sure who the individual was who told me. We were, I was, moving with Governor Reagan from a hotel to a place where there was a series of political meetings, to the best of my recollection, when I arrived there I was advised of it. There was considerable concern about the matter because I was holding a press conference out there, and we did not know what the circumstances were. I believe that by that time that they had—Mr. McCord, his name had surfaced or Mrs. McCord had called somebody at the committee about it, and obviously, there was an involvement in the Committee for the Re-election of the President.

Q. What, if anything, did you do, while still in California?

A. While in California? I did a number of things. First of all, I continued to carry out the schedule that I had there which was quite extensive for two days. I asked the people, particularly Mr. Mardian who was there, to get as much information about it as he could. I put out a statement to the effect that, I do not know whether it went out there or after we came back, to the effect that we did not understand this, that Mr. McCord was one of our employes, he also had a separate consulting firm, that it was basically an attempt to carry on the extensive schedule that I had which, of course, is in the book that you are well aware about and, at the same time, trying to get information as to what had happened back in the District of Columbia.

Q. At that time, out in California, did it ever cross your mind when you read about this that perhaps the Liddy plan had been put in operation?

#### Possibility Considered

A. Well, that had crossed my mind but the players were different and, of course, there was a lot of discussion about C.I.A. and because of the Cuban Americans who were involved in it. It wasn't until actually later on that it struck home to me that this could have been the same operation that had a genesis back in the earlier conversation.

Q. When and how were you briefed as to what actually happened in this matter?

A. [It] was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

It included the fact that he was involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it was, and that he had previously, as part of what has since become known as the "plumbers" group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a few of the other little gems.

Q. And when you refer to the Dita Beard matter what specifically did you learn through Mr. Larue and Mr. Mardian? A. Well, if my recollection is correct he was assisting in spiriting her out of wherever they spirited her

out of, either New York or Washington.

Q. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. Larue, Mr. Mardian, Mr. Dean, Mr. Magruder? A. Magruder and myself, that is correct.

Q. Do you recall the purpose of that meeting, the discussion that took place there?

A. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the committee because of Mr. McCord's involvement and we had quite a general discussion of the subject matter.

#### Discussion of Files

Q. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession? A. No, I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.

Q. Did either you or anybody in your presence at that meeting discuss Mr. Liddy having a good fire at his house? A. Not in my recollection was there any discussion of destruction of documents at that meeting.

Q. You are aware of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents? A. I am aware of his testimony and I think his testimony was one of these general things. "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.

Q. Well, you did become aware during June and July of Mr. Magruder's involvement in the break-in of the Democratic National Committee headquarters?

A. We had people such as Mr. Liddy and so forth say yes, that Magruder was involved, Magruder was saying no at one time and maybe yes the other time and so forth, but we were aware of the fact that certainly Mr. Magruder had provided the money if nothing else and that during the latter part of June and the early part of July seemed to be what all the focus was as to how much money Mr. Magruder had provided to Mr. Liddy.

Q. There came a time when you were aware that Mr. Magruder himself was, had admitted to certain persons, whether Mr. Mardian or Mr. Parkinson, that he had been involved but was going to give a false story about what he had done.

#### Different Stories

A. Well, I don't want to get Mr. Parkinson in there and I don't know about Mr. Mardian because Mr. Magruder told them two or three different stories, and Mr. Parkinson, and Mr. O'Brien obviously went ahead on the story that they thought was to be the facts.

As I understand the sequence of events when this thrashing around was involved, occurred, involving everybody from the President of the United States and the chairman of this committee and everybody on down the line as anybody they could think of to name, Mr. Parkinson.

SENATOR ERVIN: Just a minute, did they accuse this chairman?

A. No sir, this committee, I was going to use some other committee, I think we had better use some other committee. The fact of the matter is that to the best of my recollection that Mr. Parkinson got Mr. Magruder and Mr. Porter down to his office and put them in a room and said now "I want you to write down what your statement is on this subject matter because it probably is going to

be used as a deposition before the grand jury or certainly for submission to the Justice Department," so I want to make sure that Mr. O'Brien—that Mr. Parkinson is not involved in this. It got to the point where I had a very, very strong suspicion as to what the involvement was, yes.

Q. With that you also had the suspicion, if that is the word you want to use, that Mr. Magruder's story that he was writing down and he was going to give in a deposition to the grand jury was not a true story. A. Well, this came out later. I didn't



know what he was writing down July 15th or whatever it was, it came later.

Q. There came a time when it did become a fact.

A. That is right.

Q. When was that? A. I would say it was sometime before he went to the grand jury, sometime.

#### A False Story

Q. You did become aware by the time he testified on the grand jury that Mr. Magruder was, in fact, testifying to a false story. A. I became aware or had a belief that it was a false story.

Q. I think the calendar would show there were quite a number of meetings in which you met—A. There were a lot of meetings, with a lot of matters being discussed at that time.

Q. Also was it true that Mr. Dean began to serve as sort of a liaison between this group that you were meeting with and Mr. Haldeman and Mr. Ehrlichman?

A. Well, Mr. Dean was serving as a liaison between the Committee for the Re-election of the President and the White House and I am sure that would have meant Mr. Haldeman and Mr. Ehrlichman.

Q. And then, to the best of your recollection and knowledge, were you aware that Mr. Haldeman and Mr. Ehrlichman were being kept informed on the question of the strategy to conceal Mr. Magruder's actual—A. I had no specific knowledge of that.

Q. Did you ever discuss that with Mr. Ehrlichman or Haldeman? A. No, sir, I never did. You are talking about the Magruder testimony?

Q. Yes. A. To the best of my recollection I have never discussed it with them.

Q. You don't recall that at all? A. I don't recall that, no. I can only say that Mr. Dean was the conduit, was the party who acted between the two committees and came back and forth and discussed things with us so that whether—

Q. Did you have any communication with Mr. Haldeman or Mr. Ehrlichman yourself during this period of time? A. Oh, I am sure I had numerous communications but I probably had to do with the running of the campaign, with other such matters rather than what Mr. Magruder might be testifying to.

Q. Did it have anything to do with the so-called White House horror stories or the scandals you learned about from Mr. Mardian, Mr. Larue based on Mr. Liddy's statement, to back them up?

A. Before Magruder's testimony before the grand jury, I would believe that during that period of time there were some discussions of the so-called White House stories, yes.

#### Expressions of Concern

Q. Was there a concern expressed by you to Mr. Haldeman or Mr. Ehrlichman concerning whether stories would be revealed during this campaign.

A. I think that we all had an innate fear that during the campaign that they might be revealed. I do not recall discussing it specifically in that area but I am sure we must have had a mutual concern about the subject matter.

Q. Well, did you yourself form a personal position as to what should be done about revealing of this material?

A. I formed the opinion and a position that I did not believe that it was fair to the President to have these stories come out during his political campaign.

Q. Were you aware that there was a program actually going on so as to actually prevent these stories from coming out? A. Now, which program are you talking about, Mr. Dash, so I can be sure to answer your question properly?

Q. Well, a program on the part of yourself, Mr. Dean, Mr. Haldeman, Mr. Ehrlichman, and perhaps Mr. Larue and Mr. Mardian to see to it that the information that got to the prosecutor or to the grand jury or to the civil suits did not in any way include this information concerning the so-called White House horrors, as you described them?

A. Well, Mr. Dash, that is a very broad question and covers a lot of areas. I may answer it, perhaps, by saying that we sure in hell were not volunteering anything. In addition to that, we were involved in a very difficult series of civil litigation, as you know, that involved discovery and all the rest of it. So we were not volunteering anything.

Q. But you say you did come to know that, prior to Mr. Magruder's testimony, that he was going to testify falsely? A. I think I can put it on the basis that I had a pretty strong feeling that his testimony was not going to be entirely accurate.

#### Meetings Were Held

Q. Right, and this discussion, I think you have already testified, was part of the discussion of some of the meetings with Mr. Larue, Mardian, Dean, and Magruder.

A. That is correct. I think the best way to put it is that Mr. Magruder would seek an audience to review his story that he was going to tell, rather than somebody was trying to induce him to do so. I think Mr. Magruder has testified that nobody coerced him to do this, that he made up the story, that he did it of his own free will. So it was more of a basis of Mr. Magruder recounting to these assembled groups what he was going to testify to.

Q. Would you say that whatever cover-up was taking place to this point, concealment and not volunteering information, had to do with actually preventing the so-called White House horror stories rather than Water gate break-in?

A. This was certainly my belief and rationale and I would believe the people in the White House, certainly some of them, might well be involved and certainly would have similar interests.

Q. Well, Did Mr. Dean, in carrying back the messages from Mr. Haldeman and Mr. Ehrlichman, did he indicate that he had in fact informed them of the actions that had been taken, the strategies performed by your group?

A. I cannot say that he did or did not. I would have to believe that Mr. Dean was reporting to those gentlemen over there. Mr. Dean, as a proper lawyer, proper counsel, was very, very limited in his discussions of what he did or said with people in the White House and that is the way, of course, he should have acted.

Q. I think you testified that you at least discussed with Mr. Haldeman and Mr. Ehrlichman the problems involved in the Liddy operations, the Ellsberg and other situations?

A. Yes, and that was somewhere down the line, probably much later than the time-frame of which you are talking about in relationship to Mr. Magruder's appearance before the grand jury.

#### Statement by President

Q. This is a very important statement by the President on May 22d. A. I thought Mr. Buzhardt's statement was quite important as far as I was concerned, too, but I think we found out what the distinction was there.

B. You are not suggesting

Mr. Buzhardt prepared the May 22d testimony? A. I am not suggesting anything.

Q. Did you believe, Mr. Mitchell and I use the term belief at this point—have any belief as to whether the President was aware of the events either prior to or after the break-in of the Democratic National Committee headquarters? When I say events, I mean the actual bugging or the cover-up which took place thereafter?

A. I am not aware of it and I have every reason to believe, because of my discussions and encounters with him up through the 22d of March, I have very strong opinions that he was not.

Q. How do you arrive at that conclusion? Was it by particular conversations with the President that he talked to you about this subject, or did you talk to him about this subject?

A. No, it is primarily—I do not want to say not to exclude it, and I will explain the natures of the conversations, if you so desire. As a matter of fact, you may go through that list and I will get a chance to do them one by one. What I am saying is that I think I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

Q. Generally, is it fair to say that much of your opinion that you express is based on your faith in the President and your knowledge of the man, rather than any specific statement the President made to you or that you made to the President?

A. Well, I subscribe to the first two. I do have faith in the President and I do think I have knowledge of the man and I do think there were enough discussions in the area, in the general area, to the point where I think the general subject matter would have come out if the President had had knowledge.

#### Did Not Notify President

Q. Well, now, Mr. Mitchell, you did become aware, as you indicated, somewhere



around June 21st or 22d, when you were briefed or debriefed by Mr. Larue and Mr. Mardian about the so-called, as you described it, the White House horrors, the Liddy operation and the break-in. Did you, yourself, as the President's adviser and counselor, tell the President what you knew or what you learned?

A. No, sir, I did not.

Q. Why did you not? A. Because I did not believe that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take and it would be most detrimental to his political campaign.

Q. Could it have been actually helpful or healthy, do you think?

A. That was not my opinion at the particular time. He was not involved; it wasn't a question of deceiving the public as far as Richard Nixon was concerned, and it was the other people that were involved in connection with these activities, both in the White House horrors and the Watergate. I believed at that particular time, and maybe in retrospect, I was wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election.

Q. Then it is your testimony that you in fact did not say anything to the President at that time. A. No, sir, I did not.

Q. So whether the President had any knowledge of it, it certainly couldn't have come from, his lack of knowledge or knowledge, from any statement that you made to him? A. That is correct, Mr. Dash.

Q. Now, were you aware of the fact that actually prior to Mr. Magruder's testimony. Mr. Dean rehearsed Mr. Magruder for his testimony before the grand jury? A. I do not recall that, Mr. Dash, if you are talking about the testimony that took place on the—

#### The Second Appearance

Q. In August. A. In August, the second appearance.

Q. The second appearance. A. I am not aware of that.

Q. Then prior to Magruder's third appearance, which dealt with the diaries and the meetings in your office, were you aware or do you recall the meeting between you, Magruder, and Dean, in which a discussion was had concerning how to handle that testimony and how he was to testify in some of those meetings?

A. Well, it wasn't a question so much of how to handle the testimony; it was a question of what the recollection was. That, as I recall, Magruder's testimony had to do with the destruction of diaries that were already in the possession of the grand jury. But I think Mr. Dean's testimony is a lot closer to the recollection that I have of the meeting. It was a question of what was the purpose of it, who was there, and what could be said about it to limit the impact of the whole . . .

Q. And did Mr. Magruder indicate that he was going to not testify concerning any intelligence plans, but would testify that he was there to discuss the election laws. A. Well, the election laws were discussed and I think the result was that he would limit it to the election laws.

Q. And you were aware, then, in December that he would testify not completely, if not falsely, concerning the meetings on Jan. 27 and Feb. 4? A. Well, that is generally correct. As I say again, this is something that Dean and I were listening to, as to his story as to how he was going to present it.

Q. Well, wasn't it the result of your effort or program to keep the lid on? You were interested in the grand jury not getting the full story. Isn't that true? A. Maybe we can get the record straight so you won't have to ask me after each of these questions: Yes, we wanted to keep the lid on. We were not volunteering anything.

#### Keeping the Lid On

Q. As a matter of fact, would it not be fair to say, Mr. Mitchell, that the most consuming issue that occupied you and some of those you were meeting with at this time was exactly the question of keeping the lid on during the—

A. No, I wouldn't say that was correct, Mr. Dash. There were many other political activities that took place and, of course, we probably spent more time in connection with the civil litigation than we did in connection with this particular aspect of it.

Q. Well, did you become aware at this time—in July or August—that payments were being made to defendants and support for the family? A. I became aware in the fall sometime, and I can't tell you when it was. Probably it was a time in which one individual stopped making the payments and the other individual took it up, whatever time reference that was.

Q. And did you know that Mr. Kalmbach had been involved in that at all? A. I had learned that, yes.

Q. Did you also learn that in September, he had decided not to be involved any more and that Mr. Larue took up the responsibility of landing the funds, making pay-offs? A. Yes, sir.

Q. Now, when did you leave your position as the director of the campaign?

A. On the first of July, 1972.

Q. And when you did leave, you were aware, were you not, that Mr. Magruder was staying on as deputy director of the campaign.

A. Yes, he stayed on as Mr. McGregor's deputy.

Q. And were you not

aware when you were leaving that Mr. Magruder at least faced some serious problem of being indicted on the break-in of the Democratic National Committee headquarters as of July 1st? A. As of July 1st? I think that was a potential, yes.

Q. Now, you did meet with the President on June 30, 1972, just before you left. As I understand, you had lunch with the President.

A. That is correct, sir.

Q. Did you think it your duty to tell the President at that lunch before you left that the man who was playing such a key role in his campaign, Magruder, had such a problem that he might be indicted for the break-in of the Democratic National Committee headquarters?

A. Mr. Dash, I think you and I have gone over to the point where we have established that the White House horror stories had come out in connection with the problem at that particular time and there wasn't the question of lifting of the tent slightly in order to get with respect to one individual or another; it was a keeping the lid on and no information volunteered.

Q. Even if the lid had been kept on on the so-called White House horrors, wouldn't it be very embarrassing to the President of the United States in his effort to be re-elected if his deputy campaign director was indicted in the break-in of the Democratic National Committee headquarters?

A. I don't think as far as the Watergate was concerned, there was a hell of a lot of difference between the deputy campaign director and the counsel for the finance committee and the security officer. Quite frankly, as far as the Watergate was concerned, that was already a public issue. It was the parties that were involved.

Q. There came a time, did there not, Mr. Mitchell, that the pressures for money by the defendants or by Mr. Hunt increased. Would you tell us what you know about that?

#### Requests for Funds

A. Well, I am not sure, Mr. Dash, that I can tell you very much about them other than the fact that somewhere along in the fall, Mr. Hunt had a telephone conversation with Mr. Colson, which, I think, and then later on, as I recall, covered the subject matter Mr. Dean has got in the record a letter from Mr. Hunt to Mr. Colson, which I think is quite suggestive of the fact that he was being abandoned.

Then I heard later in, in March of this year, there were oral communications from either Hunt or his attorney relating to requests for legal fees and so forth, which were communicated to the White House.

Q. How did you hear about that request, the March request? A. The March request? I think I probably heard about it through Mr. LaRue, if my memory serves me right.

Q. Do you know about how much money was actually being requested at that time?

A. I can't really tell you about the monies across this period of time. It seems to me that the March request had some amount in the area of \$75,000 which Mr. LaRue described to me, that was being requested by counsel for their legal fees in connection with the representation of Mr. Hunt.

Q. Did Mr. LaRue ask you what your opinion was or whether he should pay that amount of money to Mr. Hunt or his counsel?



A. Mr. LaRue, to the best of my recollection, put it in this context: I have got this request, I have talked to John Dean over at the White House, they are not in the money business any more, what would you do if you were in my shoes and knowing that he had made prior payments? I said, if I were you, I would continue and I would make the payment.

Q. You are aware that

Cont'd on Following Page

Cont'd From Preceding Page

there was a sum of money available for that at the White House, were you not?

A. I was aware that there had been one at one time, but I didn't know how far Liddy had gotten into that particular fund.

Q. Did you ever make any suggestions that the money that should be used for that purpose was the \$350,000?

A. No, to the best of my recollection, I had a conversation with Mr. LaRue, I am sure at his instance, not mine, in which he pointed out that the funds, whatever source they were, that he had for the support of and the payment of lawyers' fees of these individuals, had run out, did I know whether there was any other money? And I suggested that maybe you ought to call over to the White House and see if the \$350,000 that had been sitting over there since April was available for the purpose. I understand that he did so.

Q. Do you recall attending a meeting in January with Mr. Kalmbach and Mr. Dean in which you asked Mr. Kalmbach to help raise money for these legal fees and support of families? That occurred in January, '73.

A. In January, '73. Since our conversation of yesterday, Mr. Dash, I have continued to rack my brain and I have no recollection of that.

Q. Now, did you become also aware of Mr. McCord's demands and were you in touch with Mr. Dean concerning Mr. Caulfield's approach to Mr. McCord?

A. Somewhere through the middle of it, because I was in Florida from sometime, think the 20th of December through the 8th or 9th of January, while a lot of this was occurring—

Q. What role did you play? What did you learn? A. I learned that Mr. Dean had Mr. Caulfield contacting Mr. McCord and talking to Mr. McCord.

Q. About what? Do you know about what? A. About what Mr. McCord's attitude was concerning the predicament that he was in and what he was going to do.

#### Executive Clemency

Q. At that time, did you hear that Mr. Caulfield had been authorized to promise some form of executive clemency to Mr. McCord? A. I don't believe so. I think the only conversations that I had heard about executive clemency had to do with Mr. Colson and Mr. Hunt.

Q. Well, what was that, to the best of your recollection? A. To the best of my recollection, it was that somewhere along the line, and I gather that that would be in

1973, early 1973, there were discussions of whether or not Mr. Hunt—well, I gather he had approached Colson or through his lawyer had approached Colson on the subject matter. The essence of it was that Mr. Colson's word was the only word that Mr. Hunt would take with respect to executive clemency, whatever that meant. That is the subject and substance of my overhearing of discussions on executive clemency.

Q. Now, Mr. Mitchell, did it become aware to you, apparently, that after the election and after the questions concerning the funds that were being used by Mr. Hunt and Mr. McCord's concern, that whatever you discussed as keeping the lid on might become uncovered? Did that, sometime around December or January, did that occur to you?

A. Well, it always occurred to me, the possibility that the so-called lid would become uncovered. Of course, I always hoped that it didn't, for the very simple reason that there was no necessity of scarring the President, who was not involved, through his White House activities or the activities in the White House.

Q. But the real possibility of it becoming uncovered, and now that the election was over, so it would not affect his election. A. No, it would not affect his election but it would affect his presidency, Mr. Dash.

Q. But you were aware, and I think from your own statement, that the President was unaware, and you had personal knowledge or knowledge of, that you had received from others of certain activities, that if they did become known publicly could either injure or destroy the President's second Administration, after the election did it occur to you to tell the President then? A. Well, I am sure it occurred to me and probably on hindsight I probably should have. I do not think there is any doubt about it.

#### A Difficult Decision

Q. Did you not think it was the President's prerogative to know what to do about these matters?

A. The decision had to be made, and it is a tough one, whether or not he is not involved in it but he does not know about them, will this go away. I knew they were going to change the personnel in the White House and hopefully they would be gone and he would not have to deal with it and he could go on to his second term, the second Presidency, without this problem.

Q. But you were taking a major risk, were you not, Mr. Mitchell? A. I think you are taking a major risk any time you have to deal with the White House horrors under any circumstances.

Q. Now, you had plenty of opportunity, the opportunity you had, you spoke to the President quite frequently on the telephone, you met with him, your logs indicate, you did have these opportunities, and on no occasion I think it is your testimony that you did speak to the President about these matters.

A. I did not—well, let us not pass this over to the point where—on the 20th of June where I talked to him, I apologized to him, for not knowing what the hell had happened and I should have kept a stronger hand on what the people in the committee were doing. And then, further on down the road in these political meetings that are shown on the logs, there were discussions about appointing a commission of the type of the Warren commission to investigate this matter, and special prosecutors and things like that. I do not want to leave the impression that it was never touched under any circumstances.

Q. I am not talking about that when you talked about Watergate as such. I am talking about the so-called cover-up, the White House horrors and what your own knowledge, based on information given you, as to who was involved in the break-in of the D.N.C. A. I answered that I did not talk to him about it.

#### A Better Idea

Q. I know, but on the 20th— A. I also answered in hindsight it probably would have been a better idea if I had.

Q. Now, also on March 27th did Mr. Magruder come to see you in New York? A. Yes, sir, he did.

Q. And do you recall that he testified that he came because he began to be aware or concerned that things might unravel and, therefore, wanted assurances from you that he be taken care of. Do you recall that?

A. I recall very well, Mr. Dash, because of the fact that there was, based on the McCord letter to Judge Sirica, and Mr. Magruder wanted to talk to me about the potentials of his being brought back before the grand jury on a perjury count.

Q. Did you promise him at that time, as he testified, that to the best of your ability, though you no longer were in office, you would help him to either get executive clemency, support or rehabilitation, any of the things we have been asking about?

A. Let us take executive clemency. No, I have never promised that to anybody. Obviously, there is no basis upon which I could.

With respect to you were talking about support and so forth, what I told Jeb Magruder was that I thought he was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so.

#### Mitchell Not Concerned

And this was exactly the same conversation that we had the next day down at Haldeman's office.

Q. Did Mr. Magruder then ask for that meeting with Mr. Haldeman? A. Oh yes.

Q. Did he feel he needed that assurance from somebody still in the White House? A. That is right.

Q. And met with Mr. Haldeman on the 28th of March? A. 28th of March, that is correct.

Q. What kind of assurances were being sought by Mr. Magruder there and what was being given to him?



needed to undertake that function and that there should be one established. Also, with respect to the people who originally organized the committee, we discussed those, and of course, the personnel that originally came to the Committee for the Re-election of the President were also discussed.

Q. Now, there has been testimony by a number of witnesses, Mr. Mitchell, that during this whole period, the 1971 period and also the early period of 1972, while you still held the office of Attorney General, that you played a role—in fact, an authorizing role—in the affairs of the Committee to re-elect the President, is that not true?

#### 'I Played a Role'

A. Well, I played a role. I do not know how you characterize the word "authorizing." The basic point was that I had been asked by the President to keep my eye on their activities over there to make sure they did not get out of line, and they would bring personnel over to me to review them and to see if they were qualified for the jobs, and they would discuss with me different projects that they were proposing to undertake, studies in connection with the media and direct mail. They discussed with me their proposed primary activities that they were preparing for in some of the early primaries.

Q. Well, initially, certainly, you had to authorize the expenditure of any funds that were paid out at this—

A. Well, if you put it in that term, what they did was, and this again is to keep the lid on, that they did not run wild with individuals, they would have a monthly budget of personnel, basically, since they had not gotten to the programmatic stage. They would ask me to look at it and approve it, yes.

Q. And did there come a time when you asked Mr. Magruder, authorized Mr. Magruder to be the authorizations—A. Well, I think that—I do not know that I asked him or authorized him. I think that evolved over the fact that he was there and he had gotten involved with the finance committee people who were committee people who were raising the money and he took over the authorizations of that—

Q. Is your testimony that he took it over without any action on your part? A. I do not recall, Mr. Dash, but certainly there was great assent on my part, because it got it out of my hair.

Q. Also, do you recall that a number—you said a number of projects had been sent over to you, that you had received a number of memoranda for approval, where you would mark an X or something on the memoranda? A. Either that or they would be brought in to me and approval indicated orally and been taken back.

#### How Much Time an Issue

Q. Do you know how much time this activity took? Was it a daily occurrence between you and Mr. Magruder and other people at the committee to re-elect the President?

A. I do not know if we can put it on a daily occurrence. Undoubtedly, as it approached the time of my leaving of the Justice Department, it became more frequent and there were a substantial number of such conferences.

Q. Actually, when did the President make the decision to ask you to direct this campaign in the 1972 campaign?

A. I do not know as I can answer that question, Mr.

Dash. I think the President would have to answer it.

Q. Well, when did you know that you were going to actually leave the Attorney General's office and take over this position? A. Well, I was doing substantial feet dragging on the subject matter, because it was not particularly my desire and I am sure it was probably some time around the first of the year, in 1972.

Q. Now, I think you have indicated that Mr. Haldeman also played a role in both the creation of the Committee to Re-elect the President and the selection of personnel. What was the relationship between you and Mr. Haldeman in the operation of the committee?

A. Well, it was one of liaison, I would think, at the highest level, in which he, of course, would be representing the President and the interest of the President in connection with the campaign, and that most major decisions were discussed with Mr. Haldeman and/or the President, and I say very major decisions.

Q. And did you have fairly frequent conversations or meetings with Mr. Haldeman on this subject? A. I would think that the meetings were not that frequent. Undoubtedly, we had numerous telephone conversations about various subject matters.

#### Reports of Major Events

Q. Were you aware that reports of major events, at least, that were being sent to you concerning the activities of the committee were also being sent to Mr. Haldeman? A. I would presume that the major ones would be because of the fact that we would discuss them. He would have to have such reports in order to be able to discuss them with me.

Q. Do you know what liaison relationship was established at the White House with Mr. Haldeman and the committee? A. Well, of course, there was a direct liaison between Mr. Haldeman and myself. As the campaign developed, as we got more into an active stage, Mr. Strachan was the liaison between the committee and Mr. Haldeman.

Q. To your knowledge, was Gordon Strachan Mr. Haldeman's assistant? A. Well, I don't know what his title was, but he did work under Mr. Haldeman, and I know his function because various conversations were had on the subject matter.

Q. To your knowledge, was it his responsibility, if he had reports from the committee that had to go to the White House, that it was his responsibility to deliver it to Mr. Haldeman? A. I don't know what his responsibility was, but I assume that is the basis upon which the reports

went to the White House, so they would be disseminated to the appropriate person or persons.

Q. Now, in the fall of 1971, Mr. Mitchell, when Mr. Caulfield's Sandwedge plan was not accepted, were you aware of a continuing concern on the part of Mr. Haldeman and the White House or Mr. Magruder's capacity for the Committee to Re-elect the President to deal with the problems of demonstrations and the possible violence during the campaign?

A. Yes, that first came up, of course, in that, or at least, occurred in my recollection, it first came up in that Nov. 24th meeting, when Dean brought Liddy over into my office to discuss the general counsel for the Committee for the Re-election of the President.

#### Meeting With Liddy

Q. Was that one of the reasons that Mr. Liddy was being introduced to you, to take over fact and intelligence gathering?

A. No, I don't believe that is one of the reasons he was introduced to me. They were looking for a general counsel. What I am pointing out to you is that in one of the exhibits that Mr. Dean has provided you with, in what you might call a prospectus dealing with Mr. Liddy's job, there is a one-line short sentence in which it refers to intelligence gathering.

Q. Was that discussed at all during that meeting with you? A. No. The meeting was a very, very short one and the contents of the prospectus was not discussed.

Q. Did you understand that a portion of Mr. Liddy's time would be spent in fact gathering or intelligence gathering for the committee? A. I don't believe I focused on it at the time, but later on I came to understand that Mr. Liddy was expending his time or portions of his time in gathering information of this sort.

Q. I think you said Mr. Dean brought Mr. Liddy over. A. That is correct.

Q. Was that the first time you had met Mr. Liddy? A. To the best of my recollection, that is the first time I ever met him.

Q. Well, did you know that Mr. Liddy also worked for Mr. Krogh as one of the plumbers? A. No, I had not been advised of those activities as of that time.

Q. Now, after Mr. Liddy was hired and did become counsel to the committee, there came a time when there was a meeting in your office Mr. Mitchell, on Jan. 27, 1972, at the Department of Justice, attended by Mr. Dean, Mr. Magruder, Mr.

Liddy, and of course, yourself.

Now the committee has heard, Mr. Mitchell, considerable testimony about this particular meeting, at least from the other side of your desk. Now, what is your recollection of what Mr. Liddy presented to you as the Attorney General and also to some extent an adviser to the Committee for the Re-election of the President? A. I didn't hear the last part of your question.



# Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, July 10 — Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate case:

## COMMITTEE MEMBERS

Sam J. Ervin Jr., North Carolina Democrat, chairman.  
Herman E. Talmadge, Democrat of Georgia.  
Daniel K. Inouye, Democrat of Hawaii.  
Joseph M. Montoya, Democrat of New Mexico.  
Howard H. Baker Jr., Republican of Tennessee.  
Edward J. Gurney, Republican of Florida.  
Lowell P. Weicker Jr., Republican of Connecticut.

## COMMITTEE COUNSEL

Samuel Dash, chief counsel and staff director.  
Fred D. Thompson, chief minority counsel.  
Rufus I. Edmisten, deputy counsel.

## WITNESS

John N. Mitchell, former Attorney General and former chief of the Committee for the Re-election of the President.

## PERSONS NAMED IN TESTIMONY

J. Fred Buzhardt, special counsel to the President.  
John J. Caulfield, former employe of the Committee for the Re-election of the President.  
Charles W. Colson, former counsel to the President.  
John W. Dean 3d, former counsel to the President.  
Cartha D. DeLoach, former assistant F.B.I. director.  
John D. Ehrlichman, former White House adviser.  
H. R. Haldeman, former White House chief of staff.  
Egil Krogh Jr., former assistant to Mr. Ehrlichman.  
G. Gordon Liddy, former White House aide, convicted in the Watergate break-in; in jail.  
Frederick C. LaRue, former aide to Mr. Mitchell.  
James L. McCord Jr., convicted participant in Watergate break-in.  
Jeb Stuart Magruder, former deputy director of the Committee for the Re-election of the President.  
Robert C. Mardian, official of Re-election Committee.  
Paul O'Brien, attorney for Re-election Committee.  
Kenneth W. Parkinson, attorney for the Re-election Committee.  
Herbert L. Porter, former official of Re-election Committee.  
Hugh W. Sloan Jr., former treasurer of Finance Committee to Re-elect the President.  
Maurice H. Stanz, former Commerce Secretary; former chief of Nixon Finance Committee.  
Gordon Strachan, former assistant to Mr. Haldeman.

Q. I said what, to your best recollection, was the intelligence plan that Mr. Liddy presented to you as Attorney General or in your role as adviser to the Committee for the Re-election of the President.

A. I think it can be best described as a complete horror story that involved a mishmash of code names and lines of authority, electronic surveillance, the ability to intercept aircraft communications, the call girl bit and all the rest of it.

Q. Do you recall the use of charts in the show and tell operation? A. I recall the use of charts because this is where the lines were all crossing with the authority, et cetera, et cetera.

Q. Do you recall any of the code names that were used, Mr. Mitchell? A. No, I can't Mr. Dash. The matter was of such striking content and concept that it was just beyond the pale.

Q. When Liddy completed his presentation what was your reaction? A. Well, I think it was very simple. As I recall, I told him to go burn the charts and that this was not what we were interested in. What we were interested in was a matter of information gathering and protection against the demonstrators.

Q. Mr. Mitchell, if this was the kind of plan that you have described and, as has been described this way by other witnesses before this committee, and since you were the Attorney General of the United States, why didn't you throw Mr. Liddy out of your office?

A. Well, I think, Mr. Dash, in hindsight I not only should have thrown him out of the office, I should have thrown him out of the window.

Q. Well, since you did neither—why didn't you at least recommend that Mr. Liddy be fired from his responsible position at the committee since obviously he was presenting to you an irresponsible program?

A. Well, in hindsight I probably should have done that, too. About the belief I had at the time in turning the matter over we would get back to the purpose that was originally intended, and that he was qualified to pursue that particular segment that we had been talking about.

## Appeal of Plan

Q. Well, it's been testified that although you didn't take an affirmative action, you did not approve the plan that was presented by any means, that Mr. Liddy at least went away from your office with the idea that he could come back with a scaled-down version and a version of a plan for intelligence gathering that would have a lower price tag. By the way, what was the price tag? Do you recall the price tag? A. Oh, just a million dollars.

Q. Now, just carrying on from what my previous observation was as to what Mr. Liddy may have come away from the meeting, obviously Mr. Magruder and Mr. Liddy would not get the impression that you complete-

Committee was discussed as a target for electronic surveillance for the reasons that he gave, number one with respect to the Democratic kick-back story. We are talking now about the fourth of February.

## O'Brien at the Center

Q. Yes, I know, Mr. O'Brien's, the reason for centering in on Mr. O'Brien, I believe—

A. That is correct, and, of course, the newspaperman did not have his column that Magruder referred to until the 23d of February. He said we were focusing on the Democrats and Mr. O'Brien because Mr. O'Brien's vocal activities in connection with the I.T.T. case, and Mr. Anderson did not publish his column until the 29th of February, and so that what I am pointing out is that this meeting was a relatively short meeting and it was rejected again because of the fact that it had these factors involved. But these targets were not discussed.

Q. Were any targets discussed, Mr. Mitchell? A. To the best of my recollection, there were none.

Q. Do you also disagree with Mr. Magruder's testimony that you actually volunteered a particular target, which was Hank Greenspun's office in Las Vegas for the purpose of obtaining some documents that might involve a political candidate?

A. Mr. Dash, you gave me a great opportunity to correct the record on this. You know, Mr. Magruder said that it could have been Mitchell or Dean and then when you picked up the questioning you said Mitchell, so we are now correcting that record. To the best of my recollection, there was no such discussion on any—

## Dean Was Aghast

Q. However, your recollection is there was no discussion of it? A. No discussion whatsoever.

Q. Do you recall Mr. Dean's reaction at that meeting? A. I recall both of our reactions to it. Although it has been given, Mr. Dean's reaction has been given a different connotation and, of course, it depends on who is telling the story and under what cir-

cumstances to who looks like the White Knight and who looks like the Black Knight, of course.

The fact of the matter is that Dean, just like myself, was again aghast that we would have this type of presentation, John Dean, as I recall, not only was aghast at the fact that the program had come back again with electronic surveillance, perhaps a necessary entry in connection with it, I am not sure that entries were always discussed with electronic surveillance because they are not necessarily synonymous, but Mr. Dean was quite strong to the point that these things could not be discussed in the Attorney General's office, I have a clear recollection of that and that was one of the bases upon which the meeting was broken up.

Q. What specifically did you say?

ly disapproved of the program because they did set up only eight days later a meeting in your office on Feb. 4 with the same participants in which they presented a half million dollar program, I understand, which included electronic surveillance.

A. Well, Mr. Dash, I would disagree with the testimony to which you refer insofar as Mr. Magruder or Mr. Liddy either one of them was invited back under the basis of the same concept with respect to the presentation of a plan, and I think Mr. Dean, if I recall his testimony, agrees a little bit more with what my recollection was and it was to the point of this was not what we were interested in. What we were interested in was the gathering of information and the security and protection against the demonstrations.

Q. But nevertheless, Mr. Magruder and Mr. Liddy did come back and Mr. Dean attended that meeting with you, on Feb. 4, and did present a scaled-down version but this version did include electronic surveillance and break-ins, did it not?

A. It did that but there again there are faulty recollections with what was discussed at that meeting, what the concept of it was. I violently disagree with Mr. Magruder's testimony to the point that the Democratic National



A. I cannot tell you specifically any more than I can tell you specifically what Mr. Dean said but my observation was to the point that this was not going to be accepted. It was entirely out of the concept of what we needed and what we needed was again an information-gathering operation along with, of course, the program to get information on and to be able to have security against the demonstrators that we knew were coming.

As you recall, Mr. Dash, at this particular time they had already started to form in substantial numbers in San Diego in connection with the proposed convention, even though that convention was not to happen until August of that year.

Q. Well, since this reappearance, and repression of the so-called Liddy plan to you which included these obviously objectionable portions to you as you testified, and you did not take any violent action on the preceding meeting did you take any action against Mr. Liddy as a result of his coming back again on Feb. 4 and re-presenting it?

A. Other than to cut off the proposals, no.

Q. Why not? Here is a man talking to you as Attorney General about illegal wiretapping and perhaps break-ins, why not at least, if you do not have him ordered arrested for trying to conspire to do things like this, why not have him fired?

#### 'A Viable Thing to Do'

A. In hindsight I would think that would have been a very viable thing to do. And probably should have been done. Liddy was still an employe of the campaign and I presumed that he would go back to the duties that he was performing without engaging in such activities.

Q. Well, you had to be aware at least at that time, Mr. Mitchell, that Liddy could become a very embarrassing employe of the campaign. A. Not necessarily, unless he violated directions under which he was operating to that point there was no such, there was no such evidence that he was violating.

Q. Certainly, from your point of view, he did not exercise or did not demonstrate any responsibility? A. He did not exercise any responsiveness to my desire in the matter, if that is your question, no.

Q. Did you report to anybody the Jan. 27 meeting or the Feb. 4 meeting? A. To the best of my recollection, no, Mr. Dash.

Q. Did you ever take it up with Mr. Haldeman or anybody in the White House? A. No, sir.

Q. Were you aware that Mr. Liddy left the Feb. 4 meeting believing that his plan was not objectionable in itself but only that the price tag was too high and that he reported that to Mr. McCord and Mr. Hunt? A. I cannot conceive of anybody leaving that meeting with such an understanding.

Q. Were you aware, by the way, that Mr. McCord and Mr. Hunt were involved in the planning operation?

A. In no way. I have never met Mr. Hunt. I do not know Mr. Hunt and, of course, Mr. McCord was the security officer of the Committee for the Re-election of the President and one of the last people I would have believed would have been involved in such activity.

#### Asked About Pressure

Q. Now, after the Feb. 4th meeting, did you receive any urging or pressures from anybody in the White House with regard to approving the Liddy plan? A. No, sir.

Q. Well, now, once again, Mr. Mitchell, and for a third time, on March 30, 1972, and this time in Key Biscayne, Mr. Magruder himself, not Mr. Liddy, presented a decision paper on the so-called Liddy wiretapping political intelligence plan scaled down now to a price tag of \$250,000.

Do you recall the meeting with Mr. Magruder and yourself down at Key Biscayne on March 30?

A. Yes, I do, Mr. Dash. I was on a vacation and it gave an opportunity to catch up on some of the things that were happening in the Committee for the Re-election of the President that I was to be associated with shortly, there were two days of meetings. Mr. Magruder was down there in connection with the operational program. pro-

grammatic side of the campaign.

Mr. LaRue had come down with us and was living in the house with us and he sat in on all of these meetings that we had while we were down there.

Q. Now, I understand Mr. Magruder came down not only with this so-called Liddy plan proposal but he had a number of other items on the agenda.

A. Yes, he had a substantial number of items on the agenda because I had been otherwise engaged and had for weeks I had not had an opportunity to meet with these people. I was about to become officially associated with the campaign and he came down with a big stack of documents that were to be considered immediately.

#### A Different Plan

Q. Would it be fair to say, Mr. Mitchell, that the so-called quarter million dollar Liddy plan for wiretapping, and break-in was actually different in degree and kind than any other agenda item that he was presenting to you? A. Mr. Dash, you can rest assured of this. There were no other such plans in the documents that were submitted.

Q. What would have given Mr. Magruder the idea that you would even consider this proposal again if you had indeed, as you stated, rejected it so categorically twice before?

A. Well, I would have presumed that you would ask Mr. Magruder that question when he was here, Mr. Dash, but in hindsight I presume there were other people interested in the implementation of some type of activity in this area. Because I believe that Mr. Magruder was very clearly aware of the position that I had taken in connection with it.

Q. So that it is at least your present feeling that he was acting under some pressure for somebody to represent this plan to you? A. This has been continued to be my feeling but I have no basis for knowing that.

Q. Do you know who might be involved? A. No, I do not.

Q. Now, what is your recollection of what decision you made in Key Biscayne on the so-called Liddy plan? A. Well, it was very simple. This, again, "We don't need this. I am tired of hearing it. Out. Let's not discuss it any further. This sort of a concept.

#### Conflicting Testimony

Q. Then how do you explain, Mr. Mitchell, Mr. Magruder's sworn testimony that you, however reluctantly, approved the quarter million dollar Liddy plan at Key Biscayne? A. Mr. Dash, I can't explain anybody's testimony up here but my own.

Q. Was Mr. Magruder capable of leaving a meeting in Key Biscayne with you on March 30, in which you rejected for a third time the Liddy plan, and completely on his own, lied to Mr. Reiser, Liddy, and Sloan about your approval of the quarter million dollar plan? A. Is he capable of it? I wasn't privy to the conversation, but if it happened—

Q. Well, we have this testimony under oath before this committee, by all three witnesses. A. Well, with respect to all three people that were involved, if there is a problem there, it is a problem of misunderstanding or a contravention of my orders.

Q. I think you testified that he couldn't possibly misunderstand — A. This would certainly have been my recollection upon the basis of the conversation that was involved. Of course, fortunately, there was a third party there and I am sure that he will have some opinion on the subject matter one way or the other.

Q. Who is that? A. Mr. LaRue, who was in this meeting with us throughout the activity.

Q. Do you know what his testimony is on that subject?

A. No, don't know what his testimony will be, Mr. Dash, but Mr. LaRue was there, and we have talked about it, obviously, since that event occurred over the months that have intervened since the Watergate event of June 17, and I am quite sure that, for instance, he told Mr. Parkinson and Mr. O'Brien that there was no such approval at this particular time.



### Who Authorized Magruder?

Q. Now, if Mr. Magruder didn't come away with the idea that you had approved it and nevertheless, very shortly after he returned, set it in motion by approving the payment to Mr. Liddy of funds to carry out this plan, do you have any idea who above you could have given him authority to do this?

A. Well, Mr. Dash, I don't know whether it would be above me, but there could very well have been pressure that came from collateral areas in which they decided that this was the thing to do. I can't speculate on who they might be. I am sure that there could be such pressures.

Q. Would you expect, taking as a matter of degree that Mr. Magruder may have acted on his own, that having you reject and bar a particular program, would have expected Mr. Magruder to have approved the expenditures of large sums of money?

not have expected it, Mr. Dash, No.

Q. Now, shortly, and I think again this is a restatement of what occurred, shortly after the March 30th meeting in Key Biscayne, Liddy in April did ask for an initial payment from Mr. Sloan on a quarter million dollar budget. Mr. Sloan has so testified, and asked that that initial payment be \$83,000. Were you aware of that request of Mr. Liddy's?

A. I am not aware of the request, Mr. Dash, with respect to the dollar amount, and I am sure that the committee recalls the dialogue from Sloan to Stans to Mitchell to Stans to Sloan with respect to it in which amounts were not discussed. It was a question of did Magruder have continuing authorization to authorize expenditures, and of course, the answer was yes.

Q. Let me just read to you, Mr. Mitchell, Mr. Stan's testimony on Page 1644:

"I will quote the conversation with John Mitchell as best as I can paraphrase it. It is not precise. But I saw John Mitchell a relatively short time after and said, Sloan tells me that Gordon Liddy wants a substantial amount of money. What is it all about?"

"And John Mitchell's reply was, I do not know. We will have to ask Magruder, because Magruder is in charge of the campaign and he directs the spending."

Mr. Stans said, "I said, do you mean, John, that if Magruder tells Sloan to pay these amounts or any amounts to Gordon Liddy, that he should? And he said, that is right."

### Disagrees with Stans

A. Well, I would respectfully disagree with Mr. Stans on the fact of substantial amounts or that the discussions had to do with respect to the authorization by Magruder in the continuity of the way he had been acting. This was as I was coming aboard in connection with the campaign.

Q. Now, Mr. Mitchell, were you aware that on or about May 27, 1972, there was in fact a break-in of the Democratic National Committee headquarters at the Watergate? A. No, sir.

Q. And did you know of the code name, "Gemstone" or any of the wiretap proofs that came from that break-in? A. Not until a great deal later down the road, Mr. Dash.

Q. When you say that, how far down the road? Before June 17 or after June 17? A. Oh, much after June 17.

Q. Were you aware that Mr. Magruder kept a so-called Mitchell Gemstone file as well as a Haldeman Gemstone file, prior to June 17?

A. I have heard testimony here, Mr. Dash, that I believe it was Mr. Reisner, that they kept a Mitchell file, in which documents would be placed for Mr. Magruder to come up and discuss them with me.

Q. Yes, I believe Mr. Magruder has also testified about that. A. Yes, about a file that would have documents, memorandums, et cetera. I am not aware of anybody testifying to the fact that there was a special Mitchell Gemstone file.

Q. Well, the Mitchell file did include, on that testimony, you will recall, that it included Gemstone—A. I recall Reisner stating that he had put the documents in there, yes.

Q. But do you recall Mr. Magruder testifying that he had taken these documents and showed them to you? A. I recall it very vividly because it happens to be a palpable, damnable lie.

### 'What Is the Lie'

Q. What is the lie, Mr. Mitchell?

Well, let me lay out the scenario for you, because my answer will come in the scenario. I paid particular attention to this because of the fact that Mr. Magruder said that at his regular 8:30 morning meeting, sometime within a week or a week and a half from the time of the initial break-in, that he brought certain documents to my office at the regular 8:30 meeting to display them to me and that I was dissatisfied with them and that I called Gordon Liddy up to my office and raised holy hell with him about the fact that they were not the type of information that was wanted.

Now, let me go back and pick up the facts with respect to the meeting. First of all, I had an 8:15 meeting every day over at the White House in connection with activities that were governmental, but I sat in on.

Secondly, if you have my logs, that are very, very accurate and correct, you will note that there was no meeting in any morning during that period when Mr. Magruder and I were alone during that meeting.

Thirdly, I have never seen or talked to Mr. Liddy from the 4th day of February, 1972, until the 15th day of June, 1972, either in person or on the telephone.

I would like to point out that Mr. Dean's testimony is that when he first debriefed Mr. Liddy on the 19th day of June, Mr. Liddy told Mr. Dean that Magruder was the one that had pushed him

### Cont'd From Preceding Page

concerning the second entry on the 17th day of June and I cannot conceive of anybody, if they had Mitchell as a scapegoat, why they would get down to Magruder and use him as the one that had pushed him.

So I am using that dialogue to point out the reasons why this meeting could not and did not take place.

### Liddy and Magruder

Q. Just taking that dialogue, you were aware that there was no love lost between Mr. Liddy and Mr. Magruder and he might well have wanted to, since we are speculating, put the blame on Mr. Magruder.

A. As I am stating, Mr. Dash, I never saw Mr. Liddy from the 4th of February until the 15th of June and I cannot tell you whether there was love lost or not. I think there is testimony that if they had a controversy, it should be kept away from me and settled at lower echelons.

Q. Well, if Mr. Liddy did not see you, did Mr. Magruder show you the Gemstone file, as he indicated he did?

A. No, he did not and I just got through denying that fact that he did and I am pointing out the reasons why he did not because of the circumstances and time in which he is talking about the meetings that are referred to in those logs.

Q. You do not recall then, any statement by Mr. Liddy to you indicating that the O'Brien microphone was not working and he would have to fix it?

A. Mr. Dash, the only statement that I have had with Mr. Liddy and the only conversation from the 4th of February until this very day was one single meeting that shows in my log on June 15, 1972, where Mr. Liddy was brought into my office by Mr. Van Shumway, the public information officer, to discuss with me a letter that Mr. Liddy had written on Mr. Stans's request to The Washington Post having to do with some charges that had been made by the General Accounting Office dealing with the Corrupt Practices Act and Mr. Shumway did not want that letter to go to The Post without my approval.

I looked at the letter and gave it the approval and that was the end of it. That was the only conversation I had with Mr. Liddy so it could not possibly be as you were inferring.

### Names in the Log

Q. Without seeking at all to challenge, Mr. Mitchell, your testimony, would it not be true since you referred to the log or what may or may not appear in the log if a name does appear in the log it is perhaps likely that such a person did meet with you during that time but does it actually mean if a name does not appear that such a person never entered your office?

A. I believe that to be absolutely true, Mr. Dash. If you go back and look at that log you will find that the aide that I had sitting in the next office to me when he came in to see me that was logged. When my daughter called on