

MITCHELL SAYS HE  
CONCEALED WATERGATE  
FROM NIXON TO  
PREVENT ELECTION  
DAMAGE; CHARGES  
MAGRUDER LIED,  
DISPUTES DEAN  
(8 cols.)

## WITNESS RELAXED

JUL 11 1973

### He Denies Authorizing Any Scheme That Led to Break-In

NYTimes

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, July 10—John N. Mitchell swore today that he had deliberately withheld information from President Nixon about the Watergate bugging, the cover-up and "White House horror stories" to prevent any damage to the President's bid for re-election.

"Maybe in retrospect," the former Attorney General told the Senate Watergate investigating committee, "I was

*Excerpts from testimony by Mitchell begin on Page 21.*

wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election."

Nonetheless, in day-long testimony—which he gave with an air of relaxed assurance but with trembling hands and shaking chin—Mr. Mitchell persistently denied that he had authorized the political intelligence gathering scheme that led to the Watergate break-in in June, 1972.

#### Tried to 'Limit Impact'

He conceded, under sharp and occasionally skeptical interrogation, that he had joined in efforts to "limit the impact" of Watergate on the election campaign and, later, on Mr. Nixon's presidency.

He suggested, broadly, that others had been involved in the cover-up or that White House officials had pressed for approval of the bugging of the Democratic party's offices at the Watergate apartment-office complex. But he repeatedly said that he had no firsthand knowledge to support his suspicions.

He acknowledged that his certainty about Mr. Nixon's innocence of involvement in either the break-in scheme or the cover-up was predicated "solely on my association with the President" and not on any direct knowledge.

#### Seeks to Minimize Role

Mr. Mitchell sought, furthermore, to minimize his own role in the cover-up. He flatly denied allegations made by previous witnesses, particularly John W. Dean 3d, the former White House legal counsel, and Jeb Stuart Magruder, who had been Mr. Mitchell's deputy at the Committee for the Re-election of the President. At one point, he called a sworn statement by Mr. Magruder "a palpable, damnable lie."

Throughout the five hours that Mr. Mitchell spent at the witness table he strove to color the testimony of earlier witnesses in a different light, and he frequently professed an absence of recollection about key events described in previous testimony.

#### No Discussion with Nixon

He told the Senators, the audience in the ornate hearing room and television viewers across the nation that he had never discussed his knowledge of illegal campaign activities with Mr. Nixon, even at a luncheon on June 30, 1972, the day before he resigned as campaign director.

When five individuals arrested at the Watergate complex two weeks earlier had

Continued on Page 20, Column 1

#### Continued From Page 1, Col. 8

been traced to the re-election committee, the former Attorney General said, "we all had an innate fear" that the criminal investigation would uncover prior questionable activities conducted on behalf of the White House.

He said that these activities included such "horror stories" as the involvement of the White House officials in the 1971 burglary of the office of a California psychiatrist treating Dr. Daniel Ellsberg; the "spiriting" out of Washington of Dita D. Beard, a controversial lobbyist for the International Telephone and Telegraph Corporation; a false cable purporting to link President Kennedy to the death of South Vietnamese President Ngo Dinh Diem and "extracurricular" eavesdropping.

Mr. Mitchell, his bulky frame hunched over the witness table so that he could speak in a conversational tone into the public address microphone, testified that he had withheld such information—all of which he insisted he learned only after the Watergate burglary—to protect his friend, the President.

"I did not believe," he told the Senate panel's chief counsel, Samuel Dash, "that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take [to punish the wrongdoers] and it would be most detrimental to his political campaign."

#### Withheld After Election

Similarly, the former law enforcement official testified, he withheld the information from Mr. Nixon after he had been re-elected because "it would not affect his election but it would affect his Presidency."

In hindsight, he remarked more than once, his judgment may have been faulty. And when Senator Herman E. Talmadge, Democrat of Georgia, asked late this afternoon if he had not put "the expediency of the election" above his responsibility to the President, Mr. Mitchell replied:

"In my mind, the re-election of Richard Nixon, compared to what was available on the other side, was so much more important that, yes, I would put it just that way."

Scattered boos and hisses reverberated off the marble walls of the hearing room as the audience reacted to the statement.

Mr. Mitchell appeared to have been greeted with skepticism by the investigators as well.

Mr. Dash, who questioned him for two hours this morning to set the scene for his testimony, kept asking why Mr. Mitchell had not taken legal action, or at least dismissed G. Gordon Liddy, when the former campaign official kept recommending scaled-down versions of a plan for illegal wiretapping and other intelligence gathering methods early in 1972.

#### Calls Plan 'Mishmash'

Mr. Mitchell said that the \$1-million scheme that Liddy outlined at a Jan. 27 meeting in the Attorney General's office "can best be 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."

He added that he had told Liddy—who was later convicted in the Watergate conspiracy—to burn charts describing the proposal and concentrate instead on gathering information that would help to protect the President's candidacy from demonstrators.

"Since you were the Attorney General of the United States, why didn't you throw Mr. Liddy out of your office?" Mr. Dash inquired.

"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," Mr. Mitchell answered.

Mr. Mitchell, whose testimony was salted with witticisms and occasional references to his wife Martha, who was not present, smiled as the hearing room was filled with laughter.

#### Disagrees With Magruder

But minutes later he said that he had to "violently disagree" with the testimony given earlier by Mr. Magruder that Mr. Mitchell had, at a second meeting on a \$500,000 Liddy program in February called for a less expensive surveillance campaign and specifically called for targeting it on the Democratic National Committee offices.

The witness steadfastly denied as well Mr. Magruder's account of a meeting March 30 in Key Biscayne, Fla., at which Mr. Magruder said under oath that the then Attorney General had given reluctant approval to a \$250,000 version of the plan. He said that Frederick C. Larue, another aide, might verify that he told Mr. Magruder, "We don't need this, I am tired of hearing it, out, let's not discuss it any further."

In interviews today, however, both Larue and Harry S. Fleming, another former campaign official who had been present at the Key Biscayne

meeting, said that they could not confirm Mr. Mitchell's description. Larue said he had not specifically heard Mr. Mitchell disapprove the eavesdropping plan and Mr. Flemming said that he had missed the bug.

Mr. Mitchell insisted that he was consequently surprised when the Watergate burglary was disclosed and that he could only "presume" that there had been "other people interested in the implementation" of the Liddy scheme who had persuaded Mr. Magruder to put it into effect. He said he did not know directly who they might have been, but that the "wide-ranging testimony" of earlier witnesses might enable the committee to "tak your pick."

## 2 Pointed to Colson

Mr. Magruder and John W. Dean 3d, the former White House legal counsel who charged last month that Mr. Nixon was actively involved in the cover-up, have testified that Charles W. Colson, a former special counsel to the President, has pressed for approval of the Liddy plan.

During the first day of his appearance before the Senate panel, Mr. Mitchell sought to present an image of composure. He spoke softly, sometimes engagingly and with a wry grin or a pleasant smile, as though to belie his reputation as a formidable, jowly member of the President's inner circle.

But he became visibly angry as he denied Mr. Magruder's testimony that Mr. Mitchell had been presented, on June 9 of last year, with information obtained from the illegal wiretap at the Watergate.

"It happens," he said, "to be a palpable, damnable lie."

He then disputed Mr. Magruder's contention that the discussion had occurred at 8:30 that morning, saying that he always attended an 8:15 A.M. meeting in the White House and, therefore, could not have met with Mr. Magruder at 8:30. He submitted to the committee a copy of his calendar for 1972 and the first five months of this year and said that there was no listing of a private meeting to back up Mr. Magruder's story.

## Other Meetings

The diary did, however, show a 9:15 A.M. meeting on June 9 with Mr. Magruder, Larue and Devan Shumway, the public information officer for the campaign committee. It also listed a 6 P.M. private meeting the same day with Mr. Magruder. None of the questioners on the committee asked Mr. Mitchell about the meetings.

Mr. Mitchell described him-

self as merely another participant in the cover-up events and insisted, contrary to the testimony of three other witnesses, that he had not taken the lead in arranging for the payment of "silence money" to the original Watergate case defendants.

"I don't recall" any action to give Mr. Magruder authority to approve large campaign expenditures, he said.

"To the best of my recollection," he later testified, he did not report to anyone the 1972 meetings with Liddy.

"To my recollection, there was no discussion" on June 19, he maintained, about the need to destroy the code-named "gemstone" file of overheard Watergate conversations.

The care with which Mr. Mitchell cast his replies, sometimes invoking the qualifying phrases and at other times restating the context within which he recalled having made a statement to another witness, was illustrated by his exchange with Senator Talmadge this afternoon.

## March, 1972 Testimony

The Senator, taking note that Mr. Mitchell had confirmed that he had exercised a role in "consulting" with campaign officials while he was still Attorney General, reminded him that he told the Senate Judiciary Committee under oath on March 14, 1972 that he had not been engaged in politics at the Department of Justice.

"I was hoping that would come up," Mr. Mitchell said.

"I am glad to accommodate you, sir," the Senator said.

Mr. Mitchell then recounted that he had been asked by Senator Edward M. Kennedy, Democrat of Massachusetts, "do you remember what party responsibilities you had prior to March 1st?"

Mr. Mitchell said that he had told Mr. Kennedy, "I do not have and did not have any party responsibilities. I have no party responsibilities, now, Senator."

As the Watergate committee had taken pains to learn, Mr. Mitchell added, there was a clear distinction between party activities and the re-election committee, which was separate, and thus he had not answered dishonestly.

"Let's read a little further, Mr. Mitchell," Senator Talmadge shot back. The hearing room became totally silent.

The Senator read a later question from the March 14 hearing, in which Mr. Kennedy asked, "No re-election campaign responsibilities?" and Mr. Mitchell had answered, "Not as yet. I hope to."

from Mr. Talmadge's copy of the hearing record, Mr. Mitchell contended that his answer to the second question "relates back to the same subject matter," to the context of party responsibilities.