

WXPost

JUL 11 1973

Mitchell Says He Kept Quiet to Save

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Washington Post Staff Writers

Former Attorney General John N. Mitchell testified yesterday that he knew about the Watergate cover-up during 1972 but did not tell President Nixon about it "so he could go on through the campaign without being involved."

Mitchell, once the nation's top law enforcement officer and now facing criminal charges himself, denied in testimony before the Senate select Watergate committee that he actually participated in the cover-up or in the planning and execution of the bugging of the Democratic National Committee's Watergate headquarters.

Sen. Herman Talmadge (D-Ga.) confronted Mitchell with his failure to take advantage of repeated opportunities to inform President Nixon about the Watergate coverup. "You placed the expediency of the next election above your responsibilities as an intimate to advise the President of the peril that surrounded him?" Talmadge asked.

"In my mind," Mitchell replied, "the re-election of Richard Nixon, compared to what was on the other side, was so important that I put it in exactly that context."

Appearing as a reluctant witness under subpoena because of a pending federal indictment against him in New York and the possibility that the fed-

eral Watergate grand jury here also will indict him, Mitchell gave no opening statement describing his version of the events leading up to the Watergate bugging and the subsequent cover-up.

Mitchell, once President Nixon's law partner, confidant and close friend, is the first Attorney General since the 1920s to be charged with a crime. Along with former Commerce Secretary Maurice H. Stans, Mitchell was indicted in New York on charges of perjury and obstruction of justice in connection with a Securities and Exchange Commission investigation of international financier Robert L. Vesco.

President Warren Harding's Attorney General, Harry M. Daugherty, was tried twice in 1926 on criminal charges.

es Herald

, JULY 11, 1973

Phone 223-6000

Classified 223-6200
Circulation 223-6100

15c Beyond Washington,
Maryland and Virginia

10c

Knew of Cover-up, Nixon Campaign

Both trials ended with hung juries and Daugherty was freed.

Mitchell, 59, looking pale and thinner than he was in his days as Attorney General, appeared without his outspoken wife, Martha. He turned aside reporters' inquiries as to her whereabouts with light-hearted repartee before his testimony began in the morning. The wives of most of the other key witnesses have sat behind them in the hearing room during their testimony.

Mitchell kept one hand on top of the other in front of the microphone on the witness tale during most of his testimony. He occasionally puffed on his familiar pipe.

Although Mitchell had gained a rep-

utation in some circles as a master politician and President Nixon's chief political strategist, his testimony yesterday gave no clear indication of what role he performed as director of the 1972 campaign until he resigned that job in July 1972, then continuing as a consultant to the re-election committee.

For the most part, Mitchell's testimony consisted of denials of involvement in illegal activities and in laying the responsibility for major decisions on his subordinates or on unnamed persons in the White House.

Under questioning by the committee and its staff, Mitchell strongly contradicted the testimony of previous witnesses who had said that Mitchell ap-

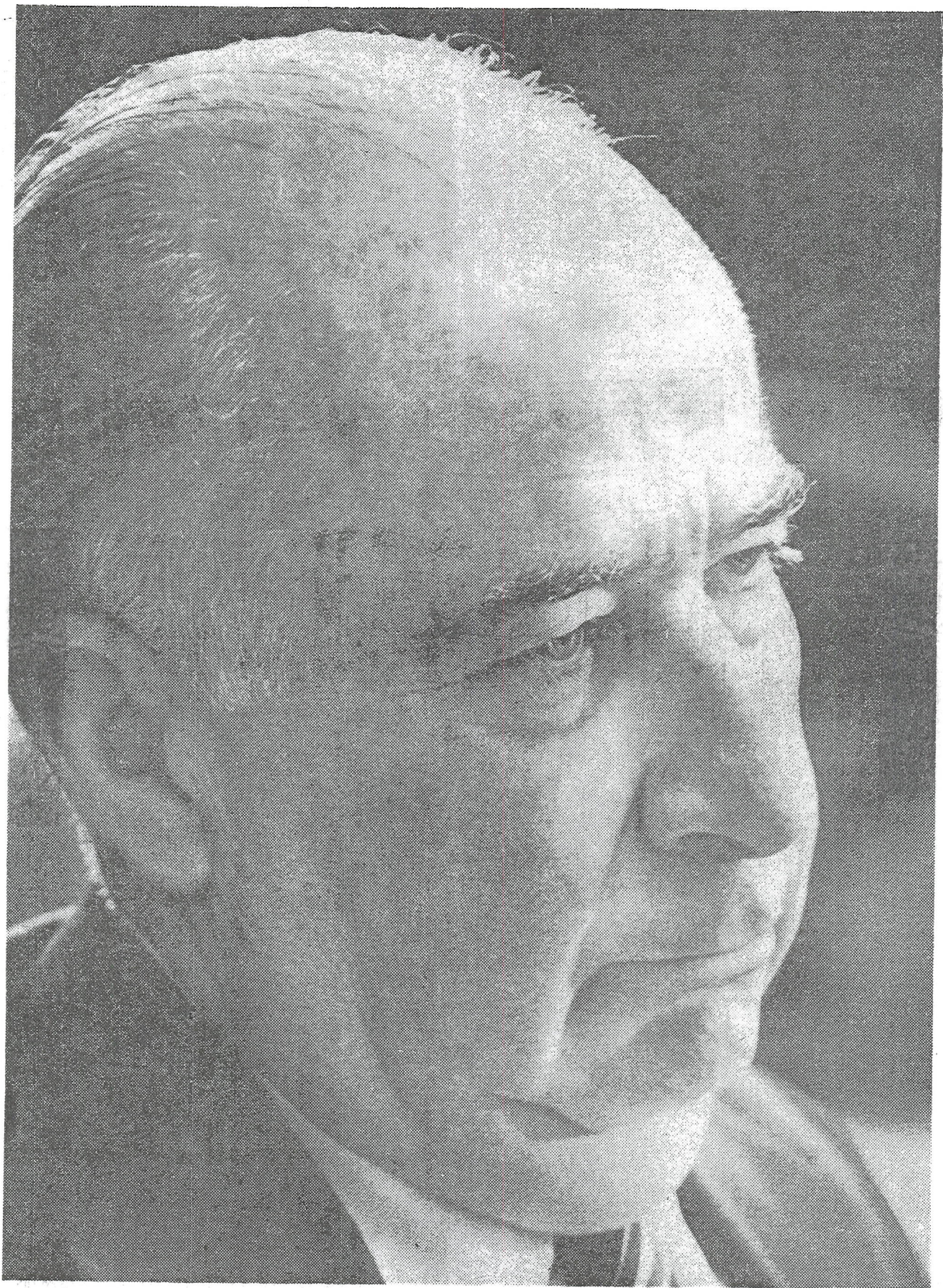
proved the bugging and actively participated in the cover-up.

Throughout much of the day Mitchell appeared cool and self-confident, and in control of his own examination. He occasionally corrected questions that he believed misrepresented the facts and displayed flashes of his dry and sometimes sarcastic wit.

During Talmadge's questioning, however, Mitchell became more deliberate in his responses when the senator confronted him with a statement Mitchell gave under oath before the Senate Judiciary Committee on March 15, 1972, that appeared to conflict with his testimony yesterday.

Mitchell testified that so far as he

See HEARING, A16, Col. 1



By James K. W. Atherton—The Washington Post

John Mitchell: "The re-election of President Nixon . . . was so important . . ."

Mitchell Continues Theme of Loyalty

SCENE, From A1

ferent—he prefers “at that particular time” to the Watergate staple of “at this point in time” — the theme was pretty much the same:

He did what he did out of loyalty, for the sake of the President, and therefore—through that tunnel-vision viewpoint common to all the involved Nixon administration and re-election campaign officials—for the good of the country.

What he did not do, Mitchell said under tenacious questioning by Dash, was give any authorization—as prior witnesses Jeb S. Magruder and John W. Dean III said he did—for the 1972 campaign intelligence-gathering plan that had its climax, and its downfall, in the Watergate break-in.

Nor did he select the Democratic National Committee headquarters or anywhere else as a target, he insisted, or know anything about the Watergate break-in before it occurred.

And he certainly never chewed out the Watergate break-in chief, convicted conspirator G. Gordon Liddy, for the quality of data obtained on the first break-in and wire-tap of DNC phones, Mitchell said. Magruder had testified that such a scolding had persuaded Liddy to make the second, disastrous, break-in attempt.

What he did do, Mitchell said, his hands shaking just perceptibly whenever he lifted them from the brown felt-covered witness table,

was “keep the lid on” the extent of White House involvement as best he could.

Others like Magruder and Dean have unhesitatingly called it a cover-up. Mitchell preferred his own phrase, perhaps as indicating a more temporary condition, for he made clear that his purpose was to let nothing interfere with the re-election of Mr. Nixon.

“We sure as hell weren’t volunteering anything,” the former chief law-enforcement officer in the government said.

To the illegal burglarizing of the office of Daniel Ellsberg’s psychiatrist and other White House-directed capers, Mitchell attached a label of his own—“the White House horrors”—and he suggested that in his own judgment, disclosure of them in the 1972 campaign would have been far more damaging than the Watergate break-in.

“I think we all had an innate fear that during the campaign they might be revealed,” Mitchell said in the same poker-faced delivery that had made him the scourge of the Justice Department in his political salad days.

He took the position, he said, that “it wouldn’t be fair to the President to have these stories come out during the campaign.”

Why, Dash asked him, hadn’t he told the President about these “White House horrors” whose political ramifications he so feared?

“Because I didn’t believe

it was appropriate for him to have that kind of knowledge, because I knew the actions he would take, and they could be most detrimental to his campaign.”

What, in his view, Mr. Nixon would have done, he did not say. But the inference was that the action would have been noble if destructive to the President’s self-interest, and hence to the country’s. As Mitchell spoke, you could almost hear an informed Richard Nixon saying: “I could take the easy course . . .”

But Mr. Nixon did not know, not about the Watergate break-in or other White House involvement, Mitchell said. He was sure, Mitchell said, not from anything Mr. Nixon ever told him, but because “I do have faith in the President, I do have knowledge of the man.”

And he knew Mr. Nixon didn’t know, because Mitchell among others declined to tell him what was going on.

Even as late as last April 14, when he came to the White House to see presidential aide John D. Ehrlichman to discuss the Watergate case and the serious development of Magruder talking to the Watergate prosecutors, he passed up a chance.

After talking to Ehrlichman, Mitchell testified, the White House aide asked him whether he would like to see the President. But Mitchell said he declined, telling Ehrlichman that “in light of what has been unfolding here, I think it would be inappropriate.”

Near the end of yesterday’s ordeal for Mitchell, Sen. Herman E. Talmadge (D-Ga.)—with all the incredulity he could muster—finally asked the witness:

“Why on earth didn’t you walk into the President’s office and tell him the truth?”

“It wasn’t a question of the truth,” Mitchell answered, “It was a question of not involving him at all . . . so he could go through the campaign without being involved . . . I’m referring to the White House horrors particularly. He would have lowered the boom and it would have come back in the election to haunt him.”

Talmadge, still incredulous, asked: “You placed the expedience of the next election over the interest of the President . . . the danger all around him?”

That, Mitchell replied, was “exactly correct. In my mind the election of Richard Nixon, compared to what was on the other side, was so important that I put it in exactly that context.”

And so, in the end, John Mitchell—like all those others in the loyalist ranks of Richard Nixon—“kept the lid on” to save the country from the worst of all fates—Sen. George McGovern.

Mujibur to Visit Japan

Reuter

TOKYO, July 10 — Prime Minister Sheikh Mujibur Rahman of Bangladesh has accepted an invitation to visit Japan, the Foreign Minister said today.

HEARING, From A1

knew Mr. Nixon had no knowledge of either the bugging or the cover-up.

Although former White House counsel John W. Dean III testified two weeks ago that former top White House aides H. R. (Bob) Haldeman and John D. Ehrlichman tried to make Mitchell the "scapegoat" for the Watergate affair, Mitchell also refrained from deliberately pointing an accusing finger at either Haldeman or Ehrlichman. He did admit in response to questions that he assumed that Dean regularly reported to the two Nixon aides, but these references included no particulars.

Mitchell reserved his strongest words for Dean and Jeb Stuart Magruder, Mitchell's deputy when he was director of the Committee for the Re-election of the President.

Magruder testified earlier that Mitchell had approved the Watergate operation on March 30, 1972, during a meeting in Key Biscayne, Fla., and that Mitchell later received a copy of the Gemstone papers—logs of wiretapped telephone conversations from the Democratic Party headquarters.

Mitchell said Magruder's testimony that a copy of the Gemstone papers had been given to Mitchell was a "palpable, damnable lie." When asked by chief committee counsel Samuel Dash how Magruder could have ordered the Watergate bugging to proceed if Mitchell had rejected it, Mitchell replied, "it is a problem of misunderstanding or a contravention of my orders."

Although his treatment of Dean was somewhat gentler, Mitchell rejected Dean's assertions that Mitchell was involved in the cover-up. At one point, Mitchell flatly denied that he had attended a June 28, 1972, meeting described by Dean as part of the cover-up. Mitchell stopped short, however, of accusing either Dean or Magruder of perjury.

Mitchell also testified that he knew nothing about a series of clandestine White House operations dating back to 1969 until he was told about them after the Watergate arrests on June 17, 1972.

Mitchell included in these operations—which he referred to as "White House horrors" and "White House horror stories"—the September, 1971, break-in at the office of Daniel Ellsberg's psychiatrist; "extra curricular wiretapping" of newspaper reporters and others; the forging of State Department cables in an attempt to implicate President Kennedy in the assassination of South Vietnamese President Ngo Dinh Diem, and a secret investigation of Sen. Edward M. Kennedy's involvement in the drowning of Mary Jo Kopechne at Chappaquiddick in 1969.

Prior to Magruder's testimony before the grand jury, Mitchell told the committee, "I had a pretty strong feeling that his testimony was not going to be entirely accurate."

According to Mitchell's testimony yesterday, he stood by while Magruder offered perjured testimony and the other aspects of the cover-up were carried out in order to avoid jeopardizing President Nixon's chances of re-election.

Mitchell testified that he never discussed his post-June 17, 1972, knowledge of the Watergate operation or the cover-up with Mr. Nixon, and that he believes that Mr. Nixon had no knowledge of either the bugging or the cover-up.

"What I am saying," Mitchell told the committee, "is that I think I know the individual, I know his reaction 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 knowl-

edge. Otherwise, I think the type of conversations we had would have brought it out."

Dash asked Mitchell why, after he became aware of the facts according to his account, he did not tell President Nixon what he knew.

"Because," Mitchell replied, "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."

"Could it have been actually helpful or healthy do you think?" Dash asked.

"That was not my opinion at the particular time," Mitchell replied. "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 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."

"You were interested in the grand jury not getting the full story. Isn't that true?" Dash asked.

"Maybe we can get the record straight so you won't have to ask me after each of these questions," Mitchell replied. "Yes, we wanted to keep the lid on. We were not volunteering anything."

Later, Dash asked Mitchell: "Did you think it your duty to tell the President . . . 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?"

Mitchell repeated that because of the threat posed by possible disclosure of the "White House horror stories," it was no longer a "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."

It was during Talmadge's examination of Mitchell, however, that the point was made most forcefully that in trying to serve President Nixon, Mitchell had perhaps done him and the country a disservice.

"One thing I can't understand, Mr. Mitchell," Talmadge said. "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?"

Mitchell: It is extremely complimentary.

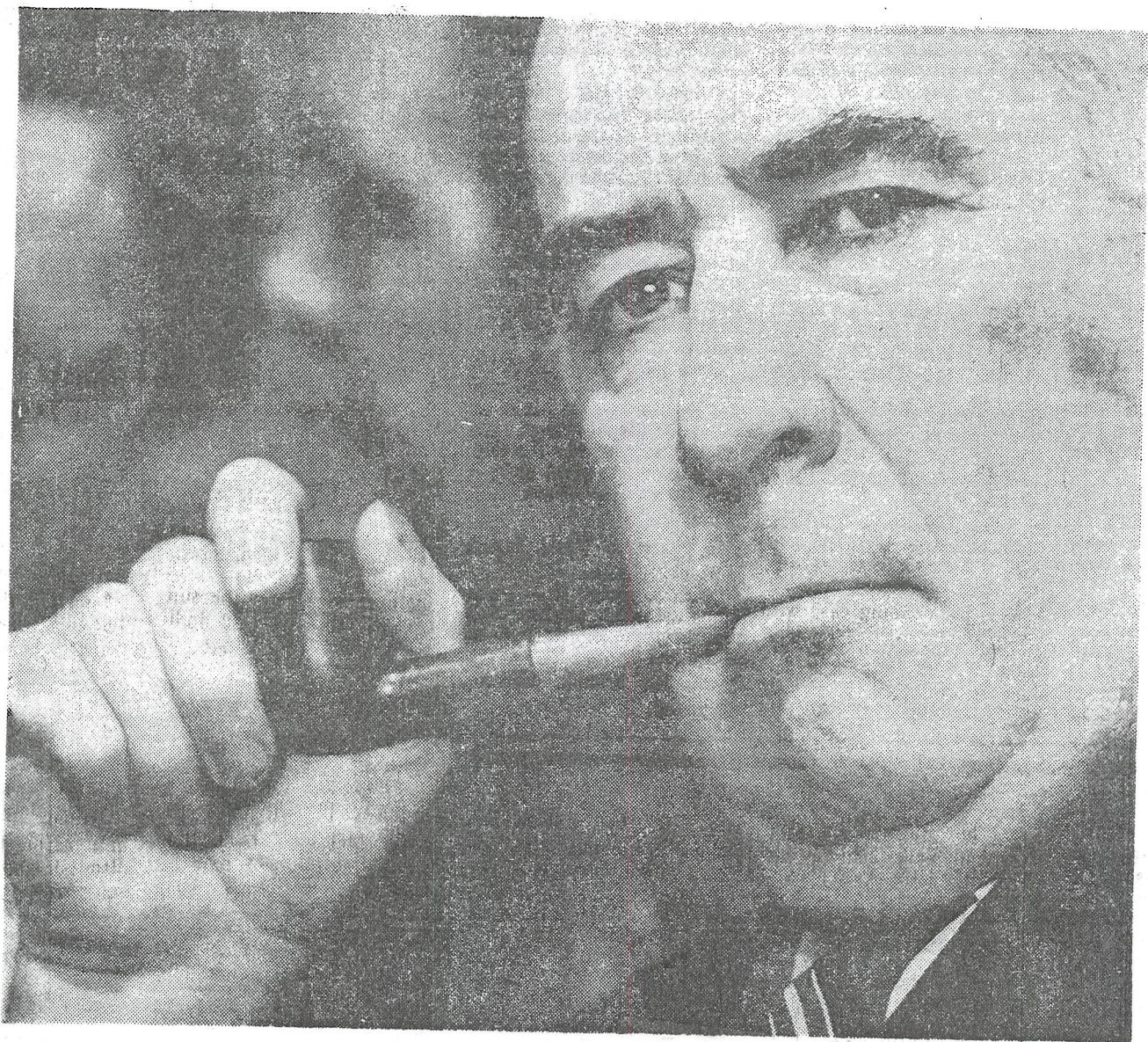
Talmadge: It is meant to be complimentary.

Mitchell: I think it is made a little higher than it might be.

Talmadge: Now, you have been in public office, in positions of high responsibility in government . . . 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-up were being committed, why on earth didn't you walk into the President's office and tell him the truth?

Mitchell: 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 on 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



By James K. W. Atherton—The Washington Post

John Mitchell: "... it was a complete horror story, that involved a mish-mash of code names ... the call girl bit."

I made the decision ... it may very well be that I was wrong, that it was a bad matter of judgment.

Talmadge: Am I to understand from your response that you placed the expediency of the next election above your responsibilities as an intimate to advise the President 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?

Mitchell: Senator, I think you have put it exactly correct. In my mind, the reelection 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.

Talmadge also accused Mitchell of having made conflicting statements under oath before two separate Senate committees.

During his testimony yesterday, Mitchell conceded that he had played an active campaign role while still Attorney General and well in advance of his officially becoming campaign director in April, 1972.

Talmadge referred to Mitchell's testimony before the Senate Judiciary Committee on March 15, 1972, and asked if Mitchell then had not testified to the contrary.

"Senator, I am glad you asked me that. I was waiting for somebody to. May I read the dialogue ... This is a question by Sen. (Edward M.) Kennedy: 'Do you remember what party responsibilities you had prior to March 1 (1972)?'

"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.'

Mitchell then put aside the portion of the transcript from which he read and commented, "Now it seems to me that this committee has spent about six weeks trying to make a distinction between the different parties and the Committee for the Re-election of the President, and I look upon it the same way."

"Let's read a little further, Mr. Mitchell," Talmadge replied, taking up the transcript. "Next question. Sen. 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.'"

Putting aside the transcript, Talmadge said, "You testified a moment ago in response to another question that I asked you that you did have campaign responsibilities prior to the

time you resigned as Attorney General.

"And yet ... before the Judiciary Committee, I quote again: 'Sen. Kennedy: 'No re-election campaign responsibilities?' That is a question," Talmadge said, quoting further, "Mr. Mitchell: 'Not as yet.' Isn't that negative?" Talmadge asked.

"That is negative," Mitchell replied. "It relates back to the Republican Party, Senator, in the way I read the context and this one was so intended."

"No re-election campaign responsibilities?" Talmadge replied. "I ask you who was running? Mr. Nixon? And is he a Republican?"

"I think the answer to both those questions is yes," Mitchell replied.

Talmadge then also showed Mitchell copies of documents that Talmadge said corroborated the assertion that Mitchell was actively involved in the campaign while still Attorney General.

"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," Talmadge told Mitchell. "If I can read the English language correctly, on March (15) of last year, you testified to the opposite before the Judiciary Committee. One of 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."

The version of Watergate affair events that Mitchell gave the Senate committee yesterday differed substantially from that offered earlier in the hearings by other major witnesses—principally Dean and Magruder. Mitchell's story differed in another respect as well: it was considerably less detailed both as to Mitchell's own activities and those of others.

For the most part, what Mitchell did yesterday was to react to questions based on testimony that has come before and give his own sketchy version of key events.

Mitchell agreed with the description offered by other witnesses of an atmosphere of deep concern at the White House in the fall of 1971 about the possibility of demonstrations and violence during the 1972 election campaign and the need for some kind of intelligence gathering apparatus.

Mitchell said, however, that he opposed the intelligence plan known as Sandwedge put forward by White House aide John J. Caulfield and said he was not aware that plan called for the use of electronic surveillance.

On Nov. 24, Dean brought G. Gordon Liddy to see Mitchell at the Justice Department to talk about Liddy going to work at the Nixon re-election committee as general counsel. Mitchell said he does not remember any discussion that day about intelligence gathering.

"I don't believe I focused on it at the time," Mitchell testified, "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."

Mitchell said he again saw Liddy on Dec. 9, but the meeting was to discuss drug abuse law enforcement. That meeting was four days before Liddy began work at the campaign committee.

It was on Jan. 27, 1972, that Mitchell said he learned of Liddy's \$1,000,000 intelligence gathering plan, which he 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."

Mitchell said his response was to tell Liddy, "Go burn the charts . . . this is not what we were interested in." He said he didn't fire Liddy because he believed that "in turning the matter over we would get back to the purpose that was originally intended . . ."—keeping track of demonstrators.

Contrary to what Magruder may have testified and Liddy may have believed, Mitchell said, he did not encourage them to come back with a scaled down plan along the same lines as Liddy's first effort. Mitchell did acknowledge that on Feb. 4, again in his office, Liddy put forward another proposal to include electronic surveillance and break-ins. But Mitchell said he "violently disagrees" with Magruder's testimony that the bugging of the Democratic Party headquarters or any other specific target was discussed at that session. Mitchell said he again rejected the plan and concurred with testimony by Dean that Liddy was told "these things could not be discussed in the attorney general's office."

Mitchell said that he did not report to anyone what had happened at the Jan. 27 and Feb. 4 meetings and did not censure Liddy in any way, although he said, "Liddy did not exercise any responsiveness to my desires."

The next time the Liddy plan was discussed was at Key Biscayne on March 30. Magruder has testified that Mitchell "signed off" on a \$250,000 intelligence plan that day, indicating his approval, and that the Watergate bugging was included.

Mitchell said yesterday, however, that he once again rejected the plan outright. "We don't need this," he recalled himself as saying. "I am tired of hearing it, out. Let's not discuss it any further. This sort of concept."

"It was as clear as that?" Dash asked.

"In my opinion," Mitchell replied, "it was as clear as that. I believe I recall, Mr. Dash, that this was part of a long agenda that for some unknown reason they kept this to the last, or the next to last. Whether they thought somebody was going to sneak it through or whether there would be less resistance or what, I don't know."

The third person at that March 30 meeting was Frederick LaRue. Magruder testified that LaRue walked in and out of the room during the discussion about the bugging plan. Mitchell testified yesterday that LaRue was there throughout and as far as he knew, Mitchell said, LaRue would support his story.

With his rejection of the plan so clear, Mitchell said he was at a loss to explain why Magruder told other committee aides that the payment of \$250,000 to Liddy was approved.

"Do you have any idea who above you could have given him authority to do this," Dash asked?

"Well Mr. Dash," Mitchell replied, "I don't know whether it would be above me, but there could very well have been pressures that came from collateral areas in which they decided this was the thing to do." The only name Mitchell mentioned as possibly initiating those pressures was then White House Special Counsel Charles W. Colson.

Magruder has testified that he received a telephone call from Colson urging that the Liddy plan be approved, but Magruder said it was unclear whether Colson was referring to the bugging.

Mitchell also disputed testimony offered previously to the committee by chief campaign fund-raiser Maurice H. Stans, a former secretary of commerce, who said that shortly after March 30 Mitchell told him it was all right to disburse a "substantial amount of money" to Liddy.

"I would respectfully disagree with Mr. Stans," Mitchell said, "on the fact of substantial amounts. . ."

Mitchell heatedly denied Magruder's testimony that after the first break-in at the Democratic Party headquarters Mitchell was shown results of the wiretap and berated Liddy because they were inadequate. Mitchell said that be-

tween the meeting of Feb. 4 and a meeting on June 15, he did not see Liddy at all. He said that the June 15 session was to discuss a letter Liddy had written to The Washington Post concerning campaign financing.

Mitchell said that when he heard about the arrests at the Watergate on June 17 (he was in California on a political trip at the time) it "crossed my mind" that the Liddy plan he had disapproved had been put in operation.

"But," he added, "the players were different and of course there was a lot of discussion about the CIA 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."

Mitchell flew back to Washington on June 19 and convened a meeting at his apartment with Magruder, Dean, LaRue and former Justice Department official Robert Mardian in attendance. "We had quite a general discussion of the subject matter," Mitchell said, but he denied that plans for the cover-up originated there.

On June 21 or 22, Mitchell recalled, he first learned in a briefing from Mardian and LaRue the full dimensions of what he termed the "White House Horror stories" and Liddy's activities.

On June 20, Mitchell called Mr. Nixon and "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 etc."

Not on that day, or in a lunch on June 30, the day before Mitchell resigned from the campaign committee, or in any meeting thereafter did Mitchell tell the President of what was taking place in the Watergate cover-up.

"In hindsight," Mitchell said, "it probably would have been better if I had."

Over the summer, it became clear that Magruder was preparing to give false testimony to the grand jury considering the Watergate case and Mitchell said he was aware that it was false and that there were "a lot of meetings" on the subject.

But at no point, in this period does he recall meeting with Haldeman or Ehrlichman to discuss the cover-up then emerging. His dealings were with Dean, to whom Mitchell said he passed word along that the White House "horror stories" might be revealed during the campaign.

"I would have to believe," Mitchell added, "that Mr. Dean was reporting to those gentlemen over there," meaning Haldeman and Ehrlichman.

By September, Mitchell said he had learned that payments were being made to the seven Watergate defendants. (He denied attending a meeting on June 28 where it was decided to enlist Herbert W. Kalmbach, the President's personal lawyer, to raise the cash).

He learned of the arrangement, he said, when Kalmbach decided to be involved no longer and LaRue took over. He said he was also aware of a conversation between Colson and Watergate conspirator E. Howard Hunt on the subject of hush money and was aware in January that Caulfield had approached Watergate conspirator James W. McCord. In all these things, Mitchell claimed only vague knowledge and would not acknowledge being aware that an effort was under way to pay the seven Watergate defendants specifically to maintain their silence.

LaRue, he said, told him the money was going for legal fees.

Mitchell next recalled a series of meetings in March, 1973—as the cover-up began to unravel—but again, he offered nothing to implicate himself or the President in any direct wrongdoing.

Mitchell also challenged the presidential assertion in Mr. Nixon's statement of May 22 that Mitchell selected targets for the wiretaps of newsmen and staff aides on the National Security Council dating back to 1969, when the White House became concerned with leaks of SALT talks information.

"I have seen a lot of statements that come out," he said, "I am not referring to the President but in which people who dig out the information frequently get their facts wrong."

Mitchell said that his relations with the President remained close after he left the re-election committee on July 1, 1972 and that was indication that Mr. Nixon did not consider Mitchell's departure to be as a result of the Watergate affair. His resignation, Mitchell asserted was purely a personal matter. "If I didn't get out of politics," he said, "I'd lose my marriage."

Mitchell's testimony will resume at 10 a.m. today.