

Mitchell Insists Nixon Didn't Know

He Tells Of Coverup 'Design'

Washington

Despite stiff questioning yesterday, John N. Mitchell clung to his sworn declaration that President Nixon had been shielded from knowledge of the Watergate break-in and coverup.

The former attorney general testified, in his second day-long appearance before the Senate Watergate committee, that H. R. Haldeman and John D. Ehrlichman, two former senior White House aides, had participated in "a design not to have the stories come out" last year that might jeopardize Mr. Nixon's bid for re-election.

Mitchell told the committee that he "was not about to countenance anything that would stand in the way" of Mr. Nixon's re-election.

But he steadfastly insisted that the President had never asked him for an explanation of the Watergate scandal after June 20, 1972 — three days after the Watergate arrests — and he said he was confident that other close associates of the President had decided "independently" to protect Mr. Nixon by withholding information from him.

Mitchell's defense — of the President, rather than of himself — ran headlong into the most openly skeptical interrogation the Senate investigating committee has conducted. The senators plumbed legal, logical, con-

situtional and even philosophic ramifications of Mitchell's testimony to such an extent that the former attorney general was moved to remark, at the end of the day:

"It is a great trial being conducted up here, isn't it?"

Mitchell conceded, under-

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lengthy questioning by Senator Howard H. Baker Jr., the committee's Republican vice chairman, that his attempt to protect the President may ultimately have helped to diminish public confidence in Mr. Nixon by surrounding the White House with doubt.

But he defended his actions time and again, at one point telling Senator Daniel K. Inouye (Dem-Hawaii) that "the good name of the President is going to be protected by the facts and by the President himself" and it was thus no longer necessary to maintain his own role in the coverup.

The taut tone of the hearing was established early in the day by Inouye, who bluntly asked:

"To what length are you now willing to go to deceive in an effort to avoid further implication of the President in the activities under investigation by this panel? More specifically, are you willing to lie to protect the President?"

CALM

The former re-election campaign director, occasionally reddening under such questioning but maintaining a calm demeanor for the most part, insisted that he did not have to fabricate his story because "to my knowledge," the President was not knowledgeable about the Watergate affair.

Senator Sam J. Ervin Jr. (Dem-N.C.), the committee chairman, later drew from Mitchell the assertion that Mr. Nixon never asked him for a full account of the Watergate scandal after he told the President the "very, very little" he said he knew immediately after the June 17 break-in.

"If a cat didn't have any more curiosity than that," Ervin remarked, "he'd have all nine lives."

"I hope the President still has eight more," Mitchell retorted.

SCHEME

The committee's most junior Republican member, Senator Lowell P. Weicker Jr. of Connecticut, and Mitchell glowered at each other as Weicker kept asking why the former Attorney General did not inform the President immediately when G. Gordon Liddy, later convicted as a Watergate conspirator, proposed an elaborate scheme of eavesdropping, kidnaping and other illegal acts in Mitchell's office on Jan. 27, 1972.

Why not at least tell the President, Weicker asked. "I've got some pinwheel in my office" — Liddy — whose role as counsel to the re-election committee might be difficult to fathom?

Mitchell said, as he did all day Tuesday, that he had thrice rejected Liddy's proposals and never dreamed they would be implemented.

CONCERN

For all the rigorous, sometimes, withering, questioning, Mitchell refused to budge from the central refrains of his testimony. He repeatedly said that he was not concerned so much about the President's ability to withstand public exposure of the Watergate case itself, but that the inquiry would lead to exposure of "White House horror stories" that

would damage the President's candidacy or his second term in office.

When Baker suggested to Mitchell that it might have been better to inform the President of all the potentially embarrassing facts and then "line up everybody on the south lawn of the White House" to ask them what had happened, Mitchell conceded wryly that, with hindsight an even better suggestion might have been appropriate.

"It would have been simpler," Mitchell said, "to have shot them all and that would have been less of a problem than has developed in the meantime."

CAMPAIGN

Even so, Mitchell contended that his judgment, however flawed it may seem now, had been correct in the midst of the 1972 campaign. He told Baker that if the President had known the truth, "he would have lowered the boom" on those involved and that this would have hurt his prospects for re-election.

"I am rather inclined to think you are right," Baker agreed, but the Senator went on to disagree about the wisdom of Mitchell's decision.

"Aren't you dead sure in your mind," Baker asked, "that that was a mistake, not telling the President?"

"Senator, I am not certain that that is the case," Mitchell responded, adding that he was "not about to countenance anything that would stand in the way of that re-election."

"Anything at all?" Baker inquired.

The former attorney general, reddening, his gray, balding head slightly quivering, acknowledged that if it had come to "treason and other high crimes and misdemeanors" — the constitutional grounds for impeachment of the President he would have perceived a "very definite breaking point" in his fidelity to the candidacy of his friend and former law partner, Mr. Nixon.

OTHERS

Mitchell's apparent reluctance to implicate others who have not already testified at the Senate hearings was tested to the bending point by Senator Joseph M. Mon-

toya (Dem.-N.M.).

Asked by Montoya to recall whether Haldeman, the former White House chief of staff, and Ehrlichman, the President's former domestic adviser, had known of the Watergate coverup, Mitchell reluctantly and, without getting specific, said they had.

"Well, eventually along the road, there was discussion," Mitchell said "in connection with the fact that there was (to be) no volunteering or coming forward and that there was a design not to have the stories come out that had to do with the White House horror activities. There is no question about that."

None of the investigators pressed Mitchell to be more precise.

He consistently maintained that he could not have risked letting Mr. Nixon take steps to eradicate the scandal because it would have eliminated the President's "options."

Mr. Nixon, he said, "would have a choice of being involved in what you all refer to as a cover up, or he would be involved in the disclosures which would affect his re-election."

In addition to the bugging plot, Mitchell said, the disclosures would have involved "the White House horror stories, the Ellsberg matter, the Diem papers, the Dita Beard matter, the stories of surreptitious and unauthorized wiretapping, the (proposed bombing of the Brookings Institute."

"Aren't you dead sure in your mind that it was a mistake, not telling the President?" Baker asked.

"I still believe that the most important thing to this country was the re-election of Richard Nixon," Mitchell retorted, "and I was not about to countenance anything that would stand in the way of that re-election."

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