

Mitchell Testifies Ehrlichman and Haldeman Aided Cover-up; He Defends Nixon's 'Good Name'

2D DAY ON STAND

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Questioning by Senate Panel Members Is Openly Skeptical

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WASHINGTON, July 11—John N. Mitchell, under cross-examination laced with incredulity, clung today to his sworn declaration that President Nixon had been shielded from knowledge of the Watergate break-in and its cover-up.

The former Attorney General, in his second daylong appear-

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ance before the Senate Watergate committee, testified that H. R. Haldeman and John D. Ehrlichman, two former senior White House aides, participated last year in "a design not to have the stories come out" because they might have jeopardized Mr. Nixon's bid for re-election.

But he steadfastly insisted that the President never asked him for an explanation of the Watergate scandal after June 20, 1972, three days after five men were arrested burglarizing the Democratic headquarters in the Watergate complex here. 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.

Question of Confidence

Mr. Mitchell's defense—of the President, rather than of himself—ran headlong into the most openly skeptical interrogation yet conducted by the Senate Select Committee on Presidential Campaign Activities. The Senators plumbed legal, logical, constitutional and even philosophic ramifications of Mr. Mitchell's testimony to such an extent that the former Attorney General was moved to mutter, to no one in particular, as the hearing ended:

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

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

Actions Are Defended

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

The taut tone of the hearings was established early in the day by Senator 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?"

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., the

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North Carolina Democrat who is the committee chairman, drew from Mr. Mitchell later in the day 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 the cat hadn't any more curiosity than that," Senator Ervin remarked, "it would still be enjoying its nine lives, all of them."

"Well, I hope the President enjoys eight more of them," Mr. Mitchell retorted.

The committee's most junior Republican member, Senator Lowell P. Weicker Jr. of Connecticut, and Mr. Mitchell glowered at each other as Mr. 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, kidnapping and other illegal acts in Mr. Mitchell's office on Jan. 27, 1972.

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

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

A Refusal to Budge

For all the rigorous, sometimes withering questioning, Mr. Mitchell refused to budge from the central refrains of his testimony yesterday. He repeatedly said that he was concerned not 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 stories" that would damage the President's candidacy or his second term.

When Senator Baker suggested to Mr. 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, Mr. Mitchell conceded wryly that, with hindsight, an even better suggestion might have been appropriate.

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

Calls Judgment Correct

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

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

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

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

"Anything at all?" Mr. Baker inquired, his boyish face wrinkled with uplifted eyebrows.

The former Attorney General, reddening, his gray, baldish head slightly quivering, acknowledged that if it had come to "treason and other high crimes and misdemeanors" — cited in the Constitution as 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.

Reluctant Testimony

Mr. Mitchell's apparent reluctance to implicate others who have not already testified at the Senate hearings was tested to the bending point today by Senator Joseph M. Montoya, Democrat of New Mexico.

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

"Well, eventually along the road, there was discussion," Mr. 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 Mr. Mitchell to be more precise.

ReExplanation Requested

Mr. Montoya did, however, beseech Mr. Mitchell to explain why he was so confident that the President had in fact been kept insulated from Watergate knowledge or awareness of the "horror stories" — the

of a psychiatrist who had treated Dr. Daniel Ellsberg, a purported plan to fire-bomb the Brookings Institution in Washington, the whisking into hiding of Mrs. Dita D. Beard, a lobbyist sought by a Congressional investigating committee, and other deeds.

"If your interest was so profound" in trying to shield the President, Senator Montoya inquired, "why did you not go to people close to the President

to make sure that they would not tell the President about the details involving Watergate.

Mr. Mitchell replied, "I believe that they are capable of making their decisions on their own. I obviously made mine, and I presume that they made their independently."

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."

Senator Baker, rattling off questions with machine-gun rapidity - but, like most of the Senators, only rarely making a dent in Mr. Mitchell's composure - suggested that the extension of the former Attorney General's rationale would be to "diminish" the office of the President by stripping it of decision-making authority.

"Do you not in fact, by that, arrogate unto yourself a Presidential decision?" Senator Baker asked with a trace of incredulity.

"I think the answer is yes," Mr. Mitchell replied.

"What is the constitutional basis?" Mr. Baker asked.

"I have not found one in the Constitution, Senator," Mr. Mitchell answered.

Would Deny Information

"Is not what you are telling us," the Senator inquired, "that in certain cases, in order to preserve a range of political options, the President should be denied access to the information on which to make a legal and valid judgment as to the propriety of those actions?"

"Senator, I think the answer is yes," Mr. Mitchell said.

The Nixon campaign director was asked whether, in retrospect, he believed that "the country would have been better served" by giving the President a full accounting "of everything that occurred" between Jan. 20, 1969, the day he assumed office, and June 22, 1972, the date the Watergate cover-up plot was begun.

"Senator," replied Mr. Mitchell, "if I could have been assured at that time that the President would have been re-elected, I would agree with you wholeheartedly."