

Excerpts From Testimony Before the Senate

Special to The New York Times

WASHINGTON, July 12—

Following are excerpts from the transcript of the testimony of John N. Mitchell today on the 19th day of the hearings on the Watergate case before the Senate Select Committee on Presidential Campaign Activities:

MORNING SESSION

SENATOR INOUE: Mr. Mitchell, I have just one question and the question relates to "lowering the boom." I believe on March 21st, the President had a meeting with John Wesley Dean 3d, at which time Mr. Dean has testified that he notified the President as to his involvement in all of the irregular activities.

On the following day we have testimony to indicate that the President met with high officials, staff members of the White House, including Mr. Dean. Now, according to what you have said, we would expect the President to have lowered the boom on John Wesley Dean 3d. But on the 22d of March, instead of lowering the boom, testimony indicates that the President designated Mr. Dean to serve as his liaison with this committee. Is this your concept of lowering the boom?

MR. MITCHELL: No, Senator, it most assuredly is not. I believe that the facts were that there was a discussion of Mr. Dean being the liaison with the committee to get certain areas straightened out. What actually the President was doing in other areas to "lower the boom," I am not quite sure but as we all know, things started to happen from thence forward in the area where I do believe that steps were taken to the point here you could call it lowering the boom.

Q. For the record could you tell us where the President has really lowered the boom? A. I think he has done so by his appointment of a special prosecutor, removing the people from the White House who were involved in the activities that were covered up.

Pressure of Congress

Q. Was not the appointment of the special prosecutor brought about because of intensive pressure initiated by the Congress of the United States? Does not the record indicate that the White House and the President resisted this?

A. It was the President's determination. He was the one who made that determination. What were the causes of it, I think we can all have different opinions upon but it was his action that did provide for the special prosecutor.

and the judicial process is going on under an independent special prosecutor.

Q. This may be a matter of disagreement, but I have done whatever research I could do last evening to find evidence of the lowering of this boom, and I regret very much, sir, that I just could not see much evidence of this boom being lowered on any alleged participant in this tragedy.

A. I believe that the matters that I have discussed, and we have discussed and I have recounted here this morning is a lowering of the boom in the area of the prerogative of the executive.

Q. And do you believe that with this soft lowering of the boom the lid would have blown off? A. It has, and I don't think it was necessarily soft.

Q. But the lid wasn't blown off by the so-called removal of Mr. Haldeman and Mr. Ehrlichman. The lid was blown off, I believe, by two men in The Washington Post. A. Well, it depends on what areas you are talking about, Senator. If you go back to our White House horror stories, I think they came out from other sources and at other times.

President and the Law

SENATOR ERVIN: I have just one or two questions. Don't you consider that one of the primary functions of the President under the Constitution is to take care that the laws are faithfully executed? A. He is so charged, Senator, yes.

Q. And you, aren't you convinced or rather you have testified that if you had acquainted the President at the time you acquired knowledge of those matters with what you call the White House horrors the President would have undertaken to see that the laws relating to those matters were faithfully executed?

MR. DASH: Now, Mr. Mitchell, you testified yesterday that many of your meetings, and I think it was in response to your being asked about the various meetings you had with Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder, you testified that many of your meetings during July, August and September of 1972 had to do with the Democrats' civil suit and the strategy for counterattack or how to defend against that. Did you also, during that time, Mr. Mitchell, play any role in preventing the Patman committee investigation from getting off the ground?

A. We had many, many discussions on the subject matter, Mr. Dash.

Q. Now, did you make any recommendations as to how to deal with the Patman committee? A. Well, the only way to deal with the Patman committee as it evolved, was to make a determination as to whether or not there were enough votes to eliminate the subpoena.

Q. And how did you resolve that? A. Well, I think it was resolved mainly by people in the White House liaison and other individuals talking to members of the committee or subcommittee, whichever it was, of the Patman committee.

Not Enough Votes

Q. It turned out there were not enough votes to— A. It turned out there were not enough votes, and of course there was, as I think has been put into evidence here through one of Mr. Dean's exhibits, a letter from the Justice Department on which they preferred not to have such hearings held pending the criminal case that was—

Q. During your meetings in which this discussion came up, as you said, a number of times, was your suggestion at any time that somebody, Mr. Dean or somebody else, arrange that such a letter be sent from the Justice Department?

A. Oh, excuse me. I misunderstood your question. Most assuredly, we discussed quite widely the impact a letter from the Justice Department in such a situation would have on the committee and its membership.

Q. I am puzzled, Mr. Mitchell, about your distinction between your efforts you said you were going to make, some sort of cover-up of the White House horrors that you have described and the Watergate break-in and the defense against the civil suits themselves, because you seem to draw a distinction about the activities that took you away from some of this discussion of the White House horrors or other activities because of your being involved in the discussion of the civil suits. Now, actually, was not the strategy against the civil suits the same kind of cover-up activity, since— would it not be true that full disclosure in the Democratic National Committee suit could result in unraveling all the things that you wanted to be not unraveled?

A. Well, if I understand your question, Mr. Dash, it was our strategy to limit the progress of the civil suits as much as possible, certainly before the election. We knew that they would come afterwards, and of course, the civil suits, of course, related to the criminal trial which was subsequently, I believe, determined by the judge handling it. And there was a strategy to keep the civil suits from proceeding, yes, sir.

Committee in Inquiry on Watergate

JULY 13, 1973

Q. And in the case of so-called removals of staff members, the record seems to indicate that Mr. Haldeman and Mr. Ehrlichman submitted letters of resignation and the President most reluctantly accepted this and said publicly that these were the two finest men he has ever known. If this lowering the boom, sir?

A. No, but it shows the streak in the President of warmth and kindness that most people have not attributed to him before. I think it could be considered in that light.

Q. I believe your lowering the boom statement is an important one and that is why I am pursuing this. You have indicated that you did not advise the President of the United States as to your knowledge of the facts involved in the matter before us, because you were concerned that the President would lower the boom and thereby lift the lid off the scandal. I am trying to find out where the President has, since learning of these activities, lowered the boom.

A. It is my opinion, Senator, that particularly during the month of April and the succeeding intervening period of time, he has done exactly what he should have done in lowering the boom by removing the people from the White House and by providing for the special prosecutor within our system of government. That is what the chief executive should do.

Haldeman and Ehrlichman

Q. With the exception of Mr. Dean, when he advised the President that he is going to do some talking here he, I presume, was removed, but was anyone else removed? A. Well, Mr. Haldeman and Mr. Ehrlichman were.

Q. They were not removed, sir. A. They were not removed from the White House?

Q. If you read the public statement, they submitted their resignations and the President reluctantly accepted this, and in so accepting the resignations praised them to the highest. A. Senator, I have an entirely different interpretation of that.

Q. Besides Mr. Haldeman and Mr. Ehrlichman, did anyone else suffer from the lowering of the boom?

A. Yes, I believe that Mr. Magruder was removed from his job, Mr. Krogh was. I don't know whether other people that don't come to mind at the moment but these who had been participants through the information of the President were removed and the boom was lowered

Q. And then one of the policies behind that strategy was the similar policy you had on the other matters of keeping the lid on from having these things come out. A. Well, this, of course, included the Common Cause suit and whatever other suit, the Nader suit I guess it had to do with.

Q. Right, and these discussions concerning what the strategy should be concerning the civil suit deals with what kind of testimony should be given at the depositions. A. No, I think—not in the meetings that I had. They were handled by the lawyers with the individuals who were to testify.

Q. Now, Mr. Mitchell, your log shows from June 17 all the way to Aug. 29 certainly and thereafter, but certainly to Aug. 29, you had almost daily meetings with John Dean and sometimes twice or three times a day, and you knew, I think, from your testimony before this committee, what Mr. Dean was doing during this time, that he was serving as a liaison between you and Mr. Haldeman or Ehrlichman, White House people, and that he was not making any investigation of the Watergate case for the President.

Yet, on Aug. 29, the President did make an announcement that Mr. Dean had made an investigation to give him a report. What was your reaction to that announcement knowing, having been meeting with Mr. Dean almost on a daily basis during that whole period of time?

A. Well, Mr. Dash, I think your question provides an assumption that I am not willing to accept. It is perfectly conceivable in my mind so far as the involvement of personnel in the White House were concerned, that Mr. Dean was making such an investigation as to the involvement of people in the White House, and I think that was the context of the statement of August, whatever date it was.

Dean's Investigation

Q. Well, as a matter of fact, didn't Mr. Dean discuss with you what he was doing. You said he met with you regularly, he was at your meetings, and if he were making such an investigation, would you not know about it? A. I think Mr. Dean was making an investigation with respect to the involvement or potential involvement of individuals in the White House in the knowledge of the Watergate break-in or participation.

Q. His testimony was that rather than make an investigation he was engaging in a cover-up.

A. Well, I don't doubt that for a moment, and I have so stated here, that there was that aspect of it. Now, the cover-up is an entirely different thing, and the statement made by the President with respect to the involvement of individuals in the Watergate affair and prior to the June 17 or at the June 17 activities, and I think that was the thrust of the statement.

Q. Well, you know from what Mr. Dean I think has testified or may have indicated to you is that he indicated to Mr. Strachan and certainly as recently as the June 17 break-in, June 19 that Mr. Strachan had admitted to him that he had destroyed certain intelligence papers. Did Mr. Dean tell you about that? A. Yes, he did eventually.

Q. Eventually. When did he tell you this? A. I am not quite certain.

Q. Was it before Aug. 29? A. I can't say that for sure, Mr. Dash, but he did somewhere along the way.

Q. Well, if he did, you would have been somewhat surprised that Mr. Dean had said nobody in the White House—A. I think I would have been quite surprised if that had come out.

Q. Did Mr. Dean tell you personally that he made a report to the President? A. No, Mr. Dean did not so tell me.

Report by Counsel

Q. Did you ever ask him after the President's statement came out whether he made such a report?

A. Yes, I discussed—I am not sure that I put it quite in the form of that type of a question. We did have discussions of it, and he told me that he, of course, had been discussing the matters with Haldeman and Ehrlichman, but that he had not specifically made a direct report to the President. That whatever information he was providing was going through Haldeman and Ehrlichman, one or the other, I forget which.

Q. From that testimony or from the information you got from Mr. Dean that he was reporting to Mr. Haldeman and Mr. Ehrlichman was it your impression that the President was being misled by that group just as you were misleading the President after your knowledge from June 21 to June 22?

A. I would believe that would certainly be what—the impression that I would have, because Mr. Dean was not talking directly to the President.

AFTERNOON SESSION

MR. DASH: You have told Senator Talmadge, and I don't want to restate it too dramatically but I think you did make a dramatic state-

ment in terms of what you thought was necessary to get the President to assure the re-election of President Nixon, I think you did state kind of dramatically to Senator Baker that you would pretty much not want to allow anything to stand in the way of re-election and I know you, of course, drew certain exceptions to that. Would you have included, and I am now talking about the time prior to the election, perjury as an activity that would stand in your way in getting the President re-elected?

A. I would think that that would be a subject matter, Mr. Dash that I would have to give very long and very hard thought to.

Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, July 11—Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate cases

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. Edminsten, deputy counsel.
Terry F. Lenzner, assistant chief counsel.

WITNESS

John N. Mitchell, former Attorney General and former chief of the Committee for the Re-election of the President.
Richard A. Moore, special counsel to the President.

PERSONS NAMED IN TESTIMONY

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.
John D. Ehrlichman, former White House adviser.
H. R. Haldeman, former White House chief of staff.
E. Howard Hunt Jr., ex-White House consultant; pleaded guilty to spying in Watergate case.
G. Gordon Liddy, former White House aide, convicted in the Watergate break-in; in jail.
Frederick C. LaRue, former aide to Mr. Mitchell.
James W. 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.
Hugh W. Sloan Jr., former treasurer of Finance Committee to Re-elect the President.
Maurice H. Stans, former Commerce Secretary; former chief of Nixon Finance Committee.
Gordon Strachan, former assistant to Mr. Haldeman.
Maj. Gen. Carl C. Turner, ex-Provost Marshal General of the Army.

Q. All right, now, you have told us repeatedly during your testimony on Tuesday, Wednesday and today that Mr. Mardian told you of his conversation with Mr. Liddy and I think the date on which he debriefed you was according to your testimony, around February—excuse me, June 21 or 22, and that it was that debriefing that gave you all the information of Liddy's operation, which included the so-called White House horrors and break-in.

Now, have you ever denied at any time that Mr. Mardian told you about his conversation with Mr. Liddy?

A. I have no recollection of having done so, Mr. Dash.

Q. Let me—did you give a deposition on Sept. 5 in the civil case that the Democratic National Committee brought, civil action 1233? A. Yes sir, I did.

Answers Recalled

Q. Let me read you, Mr. Mitchell, and I can send it to you if you wish to look at it yourself or counsel wishes to look at it from page 45 of that deposition. Question put to you, "did you know whether or not Mr. LaRue had a discussion with Mr. Gordon Liddy about Mr. Liddy's involvement in the Watergate episode." Answer by you "I don't really know. I believe that according to my best recollection it was that Liddy—I mean LaRue and Mardian, one or the other or maybe both, talked to Liddy when Liddy decided he was not going to cooperate with the F.B.I. I am not sure which one of them. It was either one or the other, it may have been both of them."

Question put to you, "You were not present at this conversation?" And by you, "No, I have not seen Mr. Liddy since the middle of June, I have not seen Mr. Liddy or talked to him."

Question put to you, "Did either Mr. Mardian or Mr. LaRue report to you on their conversation with Liddy?" Your answer, "No, only to the extent that his services had been terminated in whatever way it was."

Now that was your testimony as of Sept. 5, 1972 in the deposition.

Basis of Termination

A. Mr. Dash, that relates to the basis of the termination of Mr. Liddy.

Q. No, the question put to you was, "Did either Mr. Mardian or Mr. LaRue report to you on their conversation with Liddy." A. If you go back to the basis of it it had to do with the subject matter of the termination of Mr. Liddy.

Q. Let me ask you again the question that was put to you, and I will re-read it and you may look at this on Page 45, "Did you know whether or not Mr. LaRue had a discussion with Mr.

Gordon Liddy about Mr. Liddy's involvement in the Watergate episode?"

And then you said, "I don't really know."—But your answer was that Mr. Mardian and Mr. LaRue did and the question was, "Did either Mr. Mardian or Mr. LaRue report to you on the conversation with Mr. Liddy," and your answer, "No," and it was your limitation "only to the extent his service had been terminated in whatever way it was."

A. Well, the answer speaks to the termination of the services. My response with respect to the other subject matter was equivocal because of my recollection at the particular time.

Q. Well, it certainly was equivocal because you have testified three days here that the important part of that conversation that Mr. Mardian was talking to you about was the White House horrors and the Watergate break-in and since this was Sept. 5, 1972, before the election, didn't you answer no in that case as part of your willingness to keep the lid on so that if you had answered yes and had to tell about that conversation you would have been opening the lid?

A. Mr. Dash, I have spent structing the events in connection with what happened during this period of time, in preparation for the testimony of this committee, and that is one of the reasons why that I have more specific knowledge or better recollect with what had gone on than at that particular time in September.

Q. This was Sept. 5? A. Sept. 5.

Q. Which was closer to the June meeting?

A. Was closer to the particular time when there were two subject matters contained in that discussion there, one of which had to do, of course, with his termination and the other had to do with the other subject matter.

Q. Well, Mr. Mitchell, your answer, no, that Mr. Mardian did not tell you anything about his conversation with Liddy with regard to Liddy's involvement in the Watergate episode is actually quite contrary to your testimony under oath before this committee.

A. Mr. Dash, I would point out that there are two subject matters there, and is one in relation to the termination aspect of it, and the other answer is as I say.

Q. Mr. Mitchell, I don't want to argue with you but you put the limitation on. The question put to you was dealing with the questioning of Mr. Liddy concerning his involvement in the Watergate episode and you said that Mr. Mardian did not tell you about that conversation and all you said was except about his termination.

Now, all I am asking you is whether or not that answer no, that he did not, Mr. Mardian did not tell you about the conversation with Liddy concerning his Watergate involvement is directly contrary to the testimony you have given here.

A. I still disagree with the interpretation that you have put on it, Mr. Dash.

Q. Now, it seems to me that—

A. Let me also point out that in addition to the hours that have been put in reconstructing these events of course there have been other matters presented to us that relate to the subject matters which have refreshed my recollection, including testimony before this committee.

Q. Well, is your testimony at the time you said, "No" there that you actually had no recollection that Mardian had told you about the White House horrors, that Liddy had told them. Could you have forgotten that? A. No, that is not the subject matter of that question.

Q. That is the subject matter of the question. A. The White House horrors?

Q. The White House horrors?

Q. Liddy's involvement in the Watergate episode. A. House horrors, Mr. Dash.

Q. Well, did you also forget about Liddy's involvement in the break-in of the Democratic National Committee headquarters?

A. I go back and stand on the statement, the answer that I gave you, I think there are two subject matters there and there are two answers.

Q. This statement was made under oath, was it not, Mr. Mitchell? A. It was made under oath, that is correct.

Q. Now Mr. Mitchell, you told, you have testified several times to the committee

as to the circumstances under which Mr. Liddy was hired as counsel to the Committee for the Re-election of the President, involving Mr. Dean's introduction, your interview with him on Nov. 24, and your hiring of Mr. Liddy, is that not correct?

Meeting With Liddy

A. Well, I think my testimony and my recollection as to how it happened is after Mr. Dean had brought Mr. Liddy over to meet with me on Nov. 24, 1971, and discussed the areas in which he would be working, we met, this is Liddy, Dean and myself, we discussed it, and then, as I understand it, the suggestion was that since Mr. Magruder was then overrunning the committee that Mr. Liddy be put in touch with Mr. Dean—Mr. Magruder by Mr. Dean and that the hiring of him took place over there.

Q. But you were aware of the circumstances under which he was hired. A. I was aware of the circumstances, Mr. Dean having brought Mr.

Liddy over to meet with me, and I having said that it looked to me like he could be perfectly competent.

Q. And you have approved his being hired? A. As counsel for that committee?

Q. Right, and Mr. Magruder hired him on your approval, is that not true? A. I would presume that that had followed.

Q. Now, have you ever denied to anybody that you were aware of these circumstances of Mr. Liddy's employment with the committee? A. There was one occasion in which my recollection failed with respect to who actually hired Mr. Liddy. It is still my opinion that Mr. Magruder hired Liddy, and not John Mitchell.

Q. Without the question of who actually hired him, the circumstances under which he became employed, which would include at least your interviewing of him and your having some role, I mean have you ever denied knowing any of those circumstances? A. I don't recall, Mr. Dash.