

Mitchell Urged to 'Stonewall'

William Chapman

Washington Post Staff Writer

President Nixon urged former Attorney General John N. Mitchell to "stonewall it" and to "plead the Fifth Amendment," according to a memorandum prepared by a staff member of the House Judiciary Committee.

The memorandum reports that the President, in a tape-recorded conversation on March 22, 1973, told Mitchell:

"And, uh, for that reason, I (unintelligible) I don't give a s---what happens. I want you to (unintelligible) stonewall it, plead the Fifth Amendment (unintelligible) else, if it'll (unintelligible). That's the big point . . ."

The memo also quotes Mr. Nixon as saying to Mitchell:

"But that's the way (unintelligible). Even up to this point, the whole theory has been containment, as you know, John."

These and other quotations

which did not appear in the edited White House transcripts of the conversations are contained in the memorandum prepared by a Judiciary Committee staff aide, William P. Dixon.

Mitchell, through his Washington attorney, Plato Cacheris, denied yesterday that President Nixon ever told him to plead the Fifth Amendment, which protects witnesses against self-incrimination. Cacheris quoted Mitchell as saying that the committee staff's version "could have been a misinterpretation." Mitchell is a defendant in the Watergate cover-up conspiracy case.

It is unclear from the committee staff memo whether the President was talking to Mitchell about testimony before the Senate Watergate committee or a grand jury.

The President's counsel, James D. St. Clair, was asked by reporters yesterday about the conversation. He said, "It did not occur during that conversation that was published."

He later explained through a press spokesman that he was certain such an order was not given in the March 22 conversation and that he has no knowledge of it's appearing on tapes of any other conversations. St. Clair was first aware of it when he read the Los Angeles Times story yesterday morning, the spokesman said.

The memorandum, first disclosed by the Los Angeles Times, was circulated to several congressmen who had asked for a comparison of the transcript prepared by the committee staff. The transcripts were prepared for the committee's impeachment inquiry.

Dixon's excerpts from conversations on March 21 and 22, 1973, also throw new light on the reasons former White House counsel John W. Dean III was instructed to write a report purporting to represent his investigation of the Watergate affair and possible White House involvement.

The so-called Dean report was cited by Mr. Nixon as a reason that he never suspected any involvement by White House aides. On Aug. 29, 1972, he said Dean had made a "complete investigation," and added, "I can say categorically that his investigation indicates that no one in the White House staff, no one

in this administration, presently employed, was involved in this very bizarre incident."

In a conversation on March 22, 1973, with Dean and others, Mr. Nixon discussed what should go into such a report and, according to the committee staff memorandum, gave this description:

"It's a negative setting course, in setting forth your general conclusion based on (unintelligible) questions. You are — that based on all of your consideration, uh, all of your analysis, and so forth, you, you're (unintelligible) you have found and very carefully put down that this individual, that individual, that individual, were not "involved in any (unintelligible)."

At one point, the memorandum indicates that Mr. Nixon was primarily interested in having a report from Dean to use in preventing Dean's being called as a witness before the Senate Watergate committee, headed by Sen. Sam J. Ervin Jr. (D-N.C.).

If Ervin insisted on calling Dean, according to the memorandum, Mr. Nixon suggested how he could respond: ". . . You'd simply say, 'Now that's out . . . Dean has — he makes the report. Here's everything Dean knows. That's where, that's why the Dean report is critical.'"

Again, in discussing the purposes of a projected Dean report, Mr. Nixon returned to the subject of testimony before the Senate committee.

He is quoted in the committee transcript as saying, ". . . We can't have a complete cave and have the people go up there and testify. You would agree on that?"

Mitchell then said, "I agree."

"Particularly if, particularly if we have the Dean statement that may have been given out . . ." the President said.

Mitchell said, "Give it to the committee for the purpose . . . (unintelligible) to limit the number of witnesses which are called up there, instead of a buckshot operation."

White House aide John D. Ehrlichman suggested at that point that the Dean report could be given to Ervin as a document containing everything the White House knew about Watergate.

Mr. Nixon, according to the committee staff's memorandum, interjected: "That's what

I was preparing to say. This is everything we know, I know nothing more. This is the whole purpose (of the proposed report) in that sense."

None of this exchange appears in the publicly released version of White House transcripts of the presidential tapes, the committee staff memo observes.

In an overall assessment of the conversations, Dixon, author of the memo, suggests that the Dean report was to be — as Mr. Nixon claimed — but as a way of protecting the White House.

Dixon wrote that the excerpts "may be interpreted to support the assumption that the President never asked Dean to write a report for the purpose of giving him additional facts, but merely so it could be relied on as an excuse in the event things came 'unstuck' and the President needed justification for his action."