

Defense Is Unable to Shake Magruder's Account of the Cover-Up

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 WASHINGTON, Oct. 31—Defense lawyers questioned Jeb Magruder yesterday in an apparent effort to shake the account he gave yesterday about the Watergate cover-up.

They brought out some conflicts between Mr. Magruder's testimony at the cover-up trial in the United States District Court and his earlier statements elsewhere. They occasionally shook his composure and once had him laughing at his own testimony.

However, they did not get him to retract any of the major charges he made yesterday. Mr. Magruder, once the deputy director of the Committee for the Re-Election of the President, is an inmate in a Federal penitentiary as a result of his guilty plea last year to conspiracy in the cover-up.

4 Defendants implicated
 In his testimony, yesterday, much of it a repetition of his comments before the Senate Watergate committee, he implicated four of the five defendants in the case—John N. Mitchell, the former attorney general; H. R. Haldeman, the former White House chief of staff; Kenneth W. Belmont, a former lawyer for the campaign committee; and Robert C. Mardian, a former Assistant Attorney General and campaign official—leaving only John D. Ehrlichman, the former White House chief adviser on domestic matters, undamaged by his account.

This morning, he was questioned by Plato Cacheris, one of Mr. Mitchell's attorneys. He seemed to back down a bit on one of the most serious points he made yesterday, that Mr. Mitchell, then the director

of President Nixon's re-election campaign, had approved on Feb. 30, 1972, the intelligence-gathering plan that led to the break-in of the Democratic National Committee's offices on June 17, 1972.

Mr. Magruder told the jury, prodded from Mr. Cacheris, that he had told Mr. Mitchell on March 30 of the "indications" he had received for "White House interest" in the intelligence-gathering plan including messages from Charles W. Colson, then a special counsel to Mr. Nixon.

However, they did not get him to retract any of the major charges he made yesterday. Mr. Magruder, once the deputy director of the Committee for the Re-Election of the President, is an inmate in a Federal penitentiary as a result of his guilty plea last year to conspiracy in the cover-up.

Mr. Magruder said that Mr. Mitchell had responded in March '72, "I don't know." He said that he had told Mr. Mitchell that "we were at the point of no return" because Gordon Liddy, the committee employe, who had drafted the plan, had to have a decision.

But then Mr. Magruder repeated his earlier assertion that Mr. Mitchell had concluded the meeting by approving the plan, though unenthusiastically. Then he testified that about one week later Mr. Mitchell had called him to ask why Mr. Liddy had just made a request for a large sum of money. Mr. Magruder said he had told Mr. Mitchell that Mr. Liddy needed the funds as "front money."

Mr. Cacheris tried to get Mr. Magruder to retreat from this contention, mentioning that a report by the Federal Bureau of Investigation of an interview with Mr. Magruder on April 19, 1973, after he began cooperating with the authorities, said that Mr. Mitchell had not given "absolute" approval of the Liddy plan.

Mr. Magruder replied that the F.B.I. was "paraphrasing" his remarks, adding that "that should be made clear to the jury."

Then he said that he had been nervous the day of the F.B.I. interview and that he had been trying to be "very specific." He said that the word "absolute" was a reference to his statement that Mr. Mitchell's approval of the plan had not been "enthusiastic."

Tennis With Agnew
 Mr. Cacheris turned later to another of Mr. Magruder's statements yesterday, that Mr. Mitchell had told him on the evening of June 19, 1972, to "have a fire" at his house to burn the file containing the Liddy plan.

Mr. Strickler also drew from Mr. Magruder the statement that some of his testimony at the Senate Watergate hearings involving John W. Dean 3d's supposed involvement in the planning of the intelligence-gathering operation was inaccurate. "I probably misspoke," the witness said.

Mr. Strickler also elicited testimony regarding Mr. Magruder's plea bargaining with the prosecutors. But he did not get any substantial retractions of the testimony that Mr. Magruder gave yesterday. Mr. Magruder will be cross-examined tomorrow by lawyers for Mr. Parkinson, who was hired by the election committee after the break-in.

It is unclear whether lawyers for Mr. Mardian will cross-examine tomorrow. David G. Bress, who is representing Mr. Mardian with Thomas C. Green, is ill, apparently with a serious throat condition. There was some talk today about severing Mr. Mardian's case as a result. Attorneys for Mr. Ehrlichman declined to cross-examine Mr. Magruder.