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Sirica Asks Why Payoffs Were Made

Washington

Judge John J. Sirica, frustrated by unanswered questions after eight weeks of the Watergate coverup trial, took over questioning of defendant John N. Mitchell yesterday as to why the burglars were paid thousands of dollars in cash.

"The thing I can't understand in this matter is what reason there was for paying these people anything," Sirica said after excusing the jury late in the day. "Was it out of goodness of someone's heart? . . . I can't see any obligation."

Mitchell, the former attorney general and the first of the five coverup defendants to take the stand, testified earlier he knew nothing about the payoffs to the men who bugged Democratic National Committee headquarters.

"I can't enlighten you, your honor," he replied. "I didn't start it. I didn't make the decision. I have nothing to do with the subject matter."

At that point in the tense exchange, chief trial prosecutor James F. Neal jumped to his feet.

"The testimony to date is that he started it," Neal shouted, pointing at Mitchell seated on the witness stand.

Mitchell's composure cracked: "Mr. Neal, that's the third shot you have taken at me, and I resent it. . . That's the third cheap shot he's had at me this week."

Testimony during the trial of Mitchell and four former aides to Richard M. Nixon has indicated that the Watergate burglars were paid nearly \$430,000 from July, 1972, through the spring of 1973. Two major witnesses have testified that the sole purpose was to keep the men quiet about the bugging scandal and not implicate high officials at the White House and the Nixon re-

election campaign.

As the defense began its presentation to the jury earlier in the day, Mitchell testified that on three occasions he rejected the plan that finally resulted in the Watergate burglary in June, 1972.

After excusing the jury Sirica kept hammering at his main point — what obligation, if any, did the Nixon campaign have to pay the

Back Page Col. 1

From Page 1

men anything at all.

"I can't understand why all these thousands and thousands of dollars were given to these people, who broke into the Democratic National Committee, for family support and legal

fees unless someone thought they had done something wrong," Sirica said.

" . . . if the (Nixon campaign) wasn't tied up in

some way with wrongdoing, why didn't they say throw them out of here when they came asking for money? Would they give thousands of dollars to people who came in off the street? Were they in the business of throwing the (re-election) committee away?"

Mitchell insisted to Sirica that it was his understanding none of the money paid to the burglars came from the campaign. Previous testimony, however, has been that virtually all the cash came from campaign coffers and was channeled through various roundabout routes to the burglars and their lawyers.

Stressing that he had a "perfect right" as a federal judge to seek out the truth, Sirica said he had "not been able to satisfy" his own mind about the purpose for the payments and said he imagined some or all of the jurors also were wondering why the Nixon campaign felt obligated to support the men.

Mitchell, during his first two hours on the witness stand, calmly disputed all the major testimony against him. He testified that he:

- Never approved the bugging operation and never received or saw any of the

wiretap reports.

- Did not learn of the Watergate arrests including that of a campaign employee until the afternoon of June 17, 1972 — several hours later than he had testified during his appearance before the Senate Watergate committee last year.

- Never directed anyone to call Attorney General Richard G. Kleindienst in an effort to get the burglars out of jail.

- Did not approve a false press release put out by the Nixon campaign on June 18, 1972, disavowing any campaign knowledge or involvement in Watergate.

- Never suggested to Jeb Stuart Magruder that he "have a fire" to burn the "Gemstone" file containing the wiretap reports, and never told anyone to destroy any documents.

Mitchell similarly denied ever suggesting that the CIA be used to block the FBI's Watergate investigation, and said he firmly rejected a request that campaign funds be used to bail the burglars out of jail.

But he acknowledged that while he was fully briefed about Nixon campaign involvement in Watergate immediately after the arrests, and shortly thereafter learned of other illegal activities undertaken by the White House, he never passed this information on to law enforcement agencies.

"I made a very conscious decision that these matters would bear upon the President's re-election and I was not going to volunteer the information to anybody," Mitchell said.

"It was your belief that President Nixon had no connection with or involvement in these matters?" asked Mitchell's attorney.

"Yes sir," Mitchell replied. "It certainly, most assuredly was at that time."

Mitchell said that the idea for a \$1 million program of kidnaping and surveillance was first broached to him by Watergate mastermind C. Gordon Liddy.

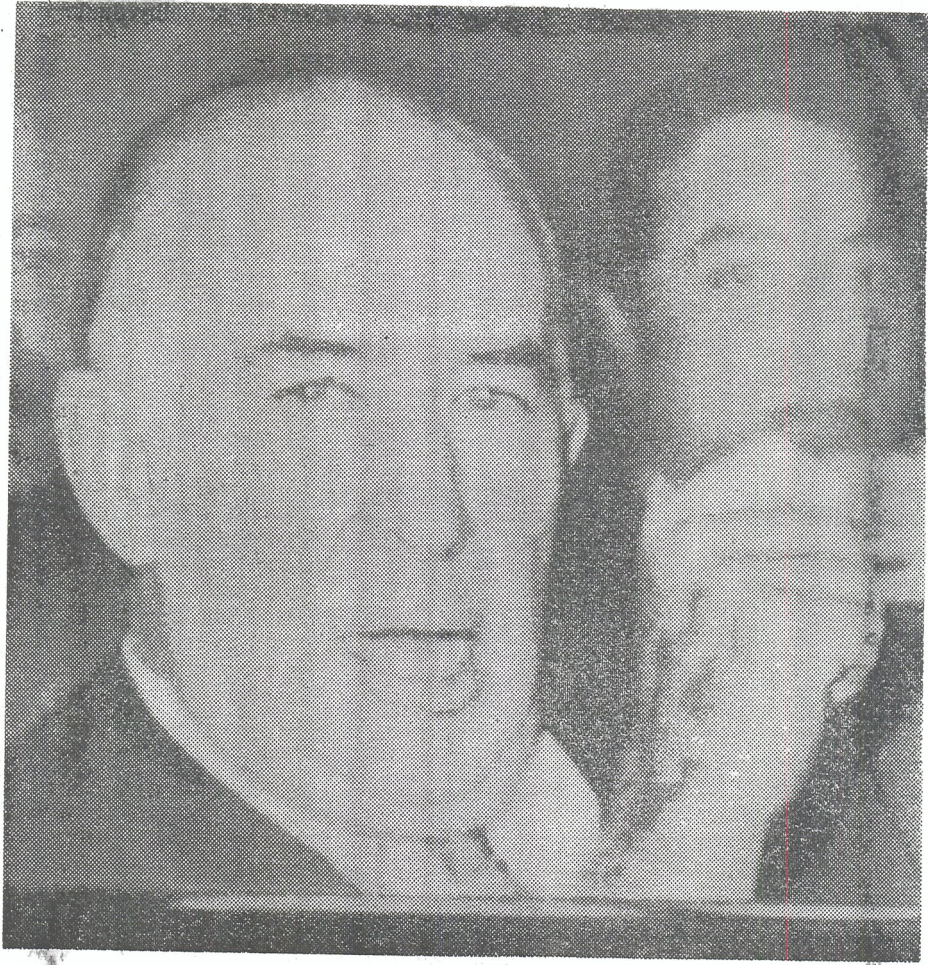
He said he told Liddy at a

meeting on Jan. 27, 1972, "to take that stuff out and burn it."

A second meeting with Liddy came about a week later, Mitchell said, and was terminated by him and White House counsel John W. Dean III, "who said this was something not to be discussed in the office of the attorney general."

Finally, Mitchell testified, Magruder presented him with a modification of the Liddy plan in Key Biscayne, Fla., on March 30, 1972. "As I recall," he said, "I threw the paper back at Magruder and said, 'not again' Magruder took his papers and left."

United Press



AP Wirephoto

JOHN MITCHELL LEAVING COURT
He took the stand in his own defense in the coverup trial

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©1