

Sirica Bars Testimony From Nixon

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U.S. District Court Judge John J. Sirica shut the door yesterday on any testimony from former President Nixon at the Watergate cover-up trial and suggested that its importance had been exaggerated.

Striking down defense motions for Nixon's deposition, the judge held in a six-page order that the problems of

interrogating the ailing former President outweighed the need for his sworn account of the scandal.

"The value of Mr. Nixon's testimony to the defendants should not be unrealistically overestimated," Sirica held. "Mr. Nixon himself has been named by the grand jury as an unindicted co-conspirator in this case."

In short, the judge said, "he has been accused, in effect, of being an accomplice of the defendants. Certainly [if he were called] his testimony would be subject to an instruction to the jury that it should be received with caution and scrutinized with care."

Much of what Nixon might say, Sirica added, would simply be repetitive of what had come out at the trial. Any broad-based claims by the former President that his former aides had done nothing wrong, the judge observed, would be inadmissible.

Since Nixon is still too ill to be questioned under any circumstances with the trial nearing an end, the judge concluded that his testimony is "not indispensable or necessary to prevent a failure of justice."

Center stage at yesterday's session of the cover-up trial was occupied by former White House special counsel Charles W. Colson.

Called as a "court witness" after the prosecutors and defense attorneys alike said they were unwilling to vouch for his credibility, Colson came under stiff cross-examination by former Attorney General John N. Mitchell's chief lawyer, William G. Hundley.

Acting almost like a government prosecutor, Hundley contended that Colson, who was originally indicted in the cover-up case himself, had really been the catalyst behind

the Watergate break-in and bugging of Democratic National Committee headquarters here.

Colson denied it and insisted that he had good reason to believe it was Mitchell's fault.

To back up his point, Colson recalled a meeting in Mitchell's offices at the Committee for the Re-election of the President a few days before the June 17, 1972, Watergate arrests.

The tall, husky Colson said the discussion involved reports of a meeting between Minneapolis businessman Dwayne Andreas and Democratic presidential candidate Hubert H. Humphrey in New York City's Waldorf-Astoria Hotel.

At that, Colson testified, Mitchell spoke up with a "half smile" and announced, "Tell me what room they were in and I'll tell you everything they said in the room."

Five days after the bungled bugging attempt at the Watergate complex here, Colson

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said he ran into Mitchell again.

"I said, 'I hope my good friend, Howard Hunt, isn't involved in this,'" Colson recalled. "Mitchell responded, 'He's in it up to his ears.'"

Colson said that later, in November of 1972, during a phone call that he secretly recorded, Hunt told him that Mitchell had probably committed perjury during the Watergate investigation. Then, in January of 1973, the witness testified, Hunt's lawyer, William O. Bittman, informed Colson of the meetings about the political espionage plans that had been held in Mitch-

ell's offices in the Justice Department the year before.

"That 'really put the capper on it as far as I was concerned,'" Colson declared. He said he then began pressing Nixon to get Mitchell to step forward and take the blame.

Taunting Colson about his connection with "your super-patriotic, super-buddy-buddy," W. Howard Hunt Jr., Mitchell defense lawyer Hundley retaliated in charging that Colson had sought Nixon's promise of clemency for Hunt because of fears that "Hunt would put you in as the trigger man" of the Watergate spy work.

Once again Colson denied the accusation, but his power of recollection failed com-

pletely when Hundley interrogated him about a conversation he had with the President on Jan. 8, 1973.

Now serving a one-to-three-year federal prison term for obstruction of justice in another case, Colson listened quietly to a special playback of the taped conversation, for his ears alone, and then announced that he still couldn't recall ever having said what he had just heard himself saying.

Already played at the trial the tapes showed Nixon approving plans to grant Hunt clemency with Colson urging him on because the Watergate spy had "direct information" and knowledge of discussions that "are very incriminating to us."

"It just doesn't register," Colson said blankly after listening to the tape. "There are phrases in it that just don't ring bells with me." He said he was "sure that conversation took place," but insisted that he could shed no light on it.

"I don't want to be obtuse, Mr. Colson," Hundley said sarcastically. "Are you questioning the authenticity of this tape?"

"No," Colson replied. "You heard a discussion between your voice and Nixon's voice about clemency for Hunt?" Hundley continued. "That's right," Colson agreed.

Hundley pointed out that the taped Charles Colson could be heard saying at one point that Hunt and Watergate spy G. Gordon Liddy "did the work" and "the others didn't know any, direct information . . . I don't give a damn if they spend five years in jail."

Hundley suggested that the "they" could only have been Watergate burglar James W. McCord Jr. and the four Cuban-Americans who had been caught red-handed at the Democratic committee offices here.

"Who is the Colson voice referring to when you say you don't give a damn if they

spend five years in jail?" the defense lawyer demanded.

"I don't know, Mr. Hundley," Colson insisted. "I don't recall the conversation."

The 43-year-old former White House aide said he did remember discussing clemency for Hunt with Nixon around late January of 1973, but only in a tentative way. He said Nixon cut him off in mid-sentence, telling him "in effect, don't worry about it, he's [Hunt] not going to jail."

Hundley suggested that what Colson was really worried about was his own inter-

vention on behalf of Liddy's and Hunt's espionage plans early in 1972 with Nixon campaign deputy director Jeb Stuart Magruder.

Colson acknowledged that Hunt and Liddy had come to him to complain that they hadn't been able to "get a hearing" from Nixon re-election campaign officials about "intelligence plans" they had worked up.

"I called up Magruder right then," the witness said. "I said, 'Why don't you get off your duff, Jeb?'"

According to the testimony of Magruder and Hunt, the conversation took place in February of 1972 after Mitchell had initially rejected the espionage scheme, but Colson said he thinks it took place in January before it was ever presented to the Attorney General.

In any event, Colson insisted he wasn't told any of the details of the "intelligence plan" and thus wasn't worried "in the slightest" about the role he played.

Challenged to explain why he was so eager to get clemency for Hunt then, Colson said he felt genuine sympathy for him, especially after the death of Hunt's wife, Dorothy, in a December, 1972 plane crash.

Colson acknowledged that he was known as "the hard-hearted White House hatchet man" of the Nixon administration but he insisted that "I was almost choked up about Hunt" who became "very depressed" after his wife was killed.

Under Hundley's prodding, however, Colson also conceded

and Mitchell were "not the best of friends" in the Nixon administration. Colson said there were "several occasions" when Mitchell tried to get the President to fire Colson.

His right hand propping up his chin through much of his testimony, Colson was called as a witness as former White House aide John D. Ehrlichman's lawyers began presenting their defense.