

# Questions Which Should Be Asked

Did President Nixon ever directly ask former Attorney General John Mitchell his knowledge of the planning, execution and cover-up of the Watergate affair? If so, when did such questioning take place and how did Mitchell answer?

Such a line of inquiry hopefully will take place when Mr. Mitchell appears before the Ervin Select Senate Committee. It is another way to get at—in Sen. Howard Baker's terms—"what the President knew and when he knew it." But by asking the question as phrased above, the senators will be raising a second point, did the President *want* to know anything?

With the appearance of the former attorney general, the Ervin committee will have before it one of four men who, during the time immediately preceding and following the Watergate break-in in May and the arrests on June 17, had direct and regular access to the President.

Access to the President and knowledge of the facts were the assets of Mitchell. Did the President ever take advantage of those assets? Or did Mitchell, his close adviser, lie to him? President Nixon's present line of defense on Watergate is ignorance caused by misleading or incomplete information from his aides. His new special counsel for the Watergate affair, J. Fred Buzhardt Jr., said recently, "I'm sure the President doesn't know a lot about this (meaning Watergate). Most people are confused to the deuce. What makes anyone think he's in a different position." Former White House special counsel Charles W. Colson put it even stronger in a recent television interview: "It is perfectly clear now in hindsight that people did not tell the President the truth, people who knew the facts . . . the President, to this day has never been told who it was who ordered or authorized the Watergate."

How could it be that the Chief Executive was not able to uncover facts

known to his "closest" and "most trusted" advisers? The questioning of Mitchell offers an opportunity for the Ervin committee to explore that situation. A review of prior testimony and court depositions gives one clue to a possible reason for ignorance—no one asked. Former White House counsel John Dean told the committee that despite the fact he was characterized as the investigator for the White House, he never asked Mitchell about the former attorney general's role or knowledge of the initial authorization for the burglary and bugging operation. White House aide John Ehrlichman, who took over the so-called investigatory role from Dean, said in a deposition that he, too, never found out from Mitchell what his role was—in fact never asked. In the case of Dean and Ehrlichman, both men felt they

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couldn't ask such a question of Mitchell, because of his stature and relationship with the President. Did the President act the same way?

There are two additional clues to the President's attitude toward Mitchell's involvement, neither of which supports the thesis that he was actively searching for the truth either from or about his close friend. In his television interview, Colson said that on Feb. 14, "I told the President that I was convinced, based in circumstantial evidence and based on hearsay reports, that higher-ups in the (re-election) committee, and most probably John Mitchell, had been involved . . ." What was the President's reaction? Colson continued: "What (the President) said is, John Mitchell has denied that he has any involvement, he's denied that under oath (apparently before the

grand jury) and I'm not going to take an innocent man, or a man who may be innocent, and make him a scapegoat even though I want to get to the bottom of Watergate." Did the President, at that time, call Mitchell and ask him about Colson's allegation?

On March 21, little more than one month later, Dean told the President Mitchell "possibly" had prior knowledge of the Watergate break-in plans and had received results of the bugging and photography. The next day, Mitchell came down from New York and met with the President along with Dean, Ehrlichman and White House chief of staff H. R. Haldeman. Did the President, the day after receiving Dean's "serious charges," ask Mitchell about the latter's role in the Watergate and the cover-up?

On March 28, Ehrlichman recorded a telephone conversation he had with then Attorney General Richard Kleindienst. The transcript of that call was turned over to the Ervin committee and went into the record during Dean's testimony. Part of it gives another clue to the President's attitude toward finding the truth about Mitchell's alleged role in Watergate. The President, Ehrlichman told Kleindienst, wanted the Attorney General to know "that serious questions are being raised with regard to Mitchell and he would . . . want you to communicate to him any evidence or inferences from evidence on that subject." Did the President say he would ask Mitchell about the "serious questions"? Apparently not. "(The President is) concerned about Mitchell," Ehrlichman said. "So am I," replied Kleindienst. But none of them—including the President—apparently was concerned enough about finding the truth to ask Mitchell directly.

That may be the reason for the President's ignorance. That may also be why asking "what the President knew and when he knew it" may be missing the point.