

SFChronicle



*'As an officer of  
the court, did you  
do the right thing?'*

—Senator Weicker

*'It is a great trial  
being conducted  
up here, isn't it?'*

—John N. Mitchell



AP Wirephotos

# The Question for Mitchell

By Jules Witcover  
Washington Post

## Washington

It was about 4:50 p.m. yesterday and the former attorney general of the United States, John N. Mitchell, was just completing nearly ten hours of testimony before the Senate Watergate Committee.

It had started out as an effort to extract from him all he knew about the Watergate break-in and related "White House horrors," as Mitchell himself had dubbed the assorted other illegalities.

But, finally, it had become an inquiry into another question.

What manner of man is it who can serve as the chief law-enforcement officer of the Nation and remain silent when he knows crimes are being proposed, and in fact have been carried out, under White House auspices?

## LINE

On Tuesday, Senator Herman E. Talmadge (Dem-Ga.) had begun the line of questioning in asking why Mitchell had never told the President that he knew during the 1972 campaign

that, for example, a White House burglary team had broken into the office of Daniel Ellsberg's psychiatrist.

Earlier yesterday, Senators Daniel K. Inouye (Dem-Hawaii), Sam J. Ervin Jr. (Dem-N.C.), Howard H. Baker Jr. (Rep-Tenn.) had pressed him on the point.

But all three succeeded only in eliciting the same response from Mitchell—that he kept his mouth shut so as not to jeopardize President Nixon's re-election.

## JUSTICE

Now, in late afternoon, the final questioner of the day was Mitchell's fellow Republican, Senator Lowell P. Weicker of Connecticut. Weicker had methodically gone over the circumstances under which Mitchell said he was told of "the White House horrors" and then started bearing down on the same old question: Why hadn't he done something to see that justice was done?

He had been, after all, not just any American citizen, Weicker reminded Mitchell, who had become increasingly gloomy as he sat in the witness chair. Mitchell had been Attorney General, said

Weicker, and Mitchell still was a lawyer and as such "an officer of the court, pledged to uphold the law.

**Weicker:** Did you bring the Ellsberg break-in to anyone's attention?

**Mitchell:** I notified no one about the break-in.

**Weicker:** As an officer of the court, as a former attorney general, you were content to remain silent . . . even though you knew that your silence might possibly convict an American citizen (Ellsberg) by means of illegal conduct . . .

**Mitchell:** That break-in produced nothing whatsoever . . . no material was obtained or used (against Ellsberg) . . .

Weicker bore down. Was that really what mattered? he inquired. The break-in was illegal, whether or not it produced any evidence.

"As an officer of the court," he demanded of the man who once was the law-and-order symbol of the Nixon administration, "did you do the right thing in not notifying the judge (in the Ellsberg trial)?"

Mitchell glared at Weicker, tight-lipped. For one of the few times during his

long ordeal in the Senate caucus room, he appeared to have been unnerved by the inquiry that touched so directly and unavoidably on his personal and professional ethics.

Then the voice of Chairman Ervin broke in, cutting the high drama by declaring a recess for the day. Mitchell, hunched over the twin microphones, before him, blurted out clearly, sardonically:

*'It is a great trial being conducted up here, isn't it?'*

There, in that single bitter comment, John Mitchell said what he thought of the Watergate committee. It was casting him as a defendant even though he had spent ten hours telling the senators he had never authorized the Watergate break-in and knew nothing about it.