

Excerpts From Mitchell's Testimony Before

Special to The New York Times

WASHINGTON, July 11—
Following are excerpts from
a transcript of the testimony
of John N. Mitchell on the
18th day of the hearings on
the Watergate case today
before the Senate Select
Committee on Presidential
Campaign Activities:

JULY 12, 1973

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the Senate Committee on Watergate

MORNING SESSION

SENATOR INOUE: At the close of that first meeting you testified that you told Mr. Liddy to "take that stuff out and burn it." Would I be correct in translating your statement, "take that stuff out and burn it," to mean get rid of this incriminating evidence?

MR. MITCHELL: Not only that, Senator, to get rid of the incriminating evidence, but also to abandon any concept that any such activity would be part of the re-election campaign of the President.

Q. Did you advise the participants that they were essentially participating in conspiracy to commit a crime? **A.** Not at that time, no, sir, I did not.

Q. I ask this because just about that time your office, with much publicity and great vigor, had pursued the indictment of American citizens who had allegedly discussed the kidnapping of Dr. Kissinger. Is there any difference between the discussion of a kidnapping and a discussion of these criminal activities in your office?

A. Senator, I think you have stopped very far short in connection with the activities of the indictment that you referred to. There were overt actions in connection with that as well as discussions.

Q. Mr. Mitchell, if the re-election of President Nixon was so important that you were willing to engage in activities which have been well described as being irregular to insure his re-election, I think a question lies in many minds at this time. To what length are you now willing to go to deceive in an effort to avoid further implication of the President in the activities under investigation by this panel? More specifically, are you willing to lie to protect the President?

Choice Not Necessary

A. Senator, there is one great thing about the answer that I can give to that question to you. I do not have to make that choice, because to my knowledge, the President was not knowledgeable, certainly about the Watergate or certainly knowledgeable about anything that had to do with the cover-up, if that is the phrase that we are using. So I do not have to make that choice.

Q. In your testimony, Mr. Mitchell, you have suggested that it would not be fair—that is the word you have used—fair to the President if the facts relating to Watergate and the White House horrors had been brought to his attention and to the attention of the American people during the election campaign. Have you ever considered whether it was fair to the members of the opposition party or fair to the American people to conspire to keep them from the true facts of this matter?

A. Yes, I am sure that that subject matter has crossed my mind many, many times. But I do not believe now, I did not believe then that the President should be charged with the transgressions of others. And it is just as simple as that.

Q. I am reminded that as Attorney General, like all public officials, you were required to take an oath of office to uphold the Constitution of the United States and I am reminded by telegrams that I have been receiving that this is a government of laws and not of men. Did you feel that the President was above the laws of the land?

A. The President is never above the laws of the land to my knowledge, he has faithfully executed the laws of the land.

Judgment Is Questioned

Q. This is very important, because based upon your knowledge of the President, and as a judge of men and men's character, you are suggesting to this committee and to the people of the United States that the President was not aware of the break-in and of the cover-up that followed. I note that you have hired or was involved in the process of hiring very important men—Jeb Magruder, John Dean, Frederick Larue, Mr. Mardian, Mr. G. Gordon Liddy, and Major General Turner. I note that there is one thing in common with all of these men: They have all been involved in the commission of a crime. Would you say that you are a good judge of character, sir?

A. If the Senator wants to go back over that list, I will discuss them item by item.

Number one, with respect to Mr. Dean, I did not hire him; Mr. Kleindienst did, as the deputy Attorney General. I would have fully subscribed to his hiring him at that particular time. As Mr. Dean has testified, I advised him to stay in the Justice Department; not to go to the White House.

With respect to Mr. Liddy,

if you would take and look at his record and background to the date upon which his hiring was discussed with me by Mr. Dean, he had an impeccable record.

With respect to General Turner, he probably had the finest record with respect to his activities to the date of his hiring as the chief marshal that anybody could possibly have. He had more citations, he was better known for his activities in connection with demonstrations and sabotage. We were de-politicizing the marshal's martial service. Here was a man with an impeccable Army record.

Have I missed somebody?

Magruder Acceptable

Q. Mr. Magruder. **A.** Mr. Magruder, of course, was recommended from the White House and perfectly acceptable to me at that particular time. So that if you look at the background of these individuals to the time that they came into the picture so far as I was concerned, they all had impeccable records.

Q. You have said on several occasions that if the President had been notified he would have lowered the boom and would have taken drastic steps, and you have also suggested that you know the man very well. What would the President have done if you had notified him of the Watergate and the cover-up?

A. I would say that the President would have brought in the appropriate governmental officials from the investigative side and from those who were the prosecutors and laid it all out to them and said, "Here it is, take it in the proper process of law."

Q. What would the President have done if he found out that his choice for the directorship [of the F.B.I.] had destroyed evidence? **A.** Well, I am sure he would have done what he has done since and that is, made sure he was replaced very rapidly by somebody who was not so involved.

SENATOR BAKER: Would you tell me, Mr. Mitchell, what is your perception of the institution of the Presidency? **A.** Is that part of the purpose of this committee, to ascertain from me the perception of the Presidency?

"I might say that this was my first entry into a political campaign, and I trust it will be my last. From the termination of the campaign and henceforward my duties and functions will be related to the Justice Department, and as the legal and not the political adviser of the President.

"Q. Thank you, sir. I commend your answer."

I am very sorry that you didn't carry out the purpose you announced on that occasion.

'My Fondest Wish'

A. Mr. Chairman, that would have been my fondest wish. Unfortunately, it is very, very difficult to turn down a request by the President of the United States.

Q. Now, don't you think that what we have been investigating here indicates the desirability of the congress giving serious consideration to divorcing the Department of Justice from political matters? A. I would perhaps even go further and suggest that you divorce all of the departments from political matters. I think it would be a very constructive move.

Q. Now here we had a criminal prosecution in which the prosecutors held office at the pleasure of the President, and the tracks from the burglary in the Watergate led directly into the committee to re-elect the President, and it turns out that the lawyers who are defending the seven men indicted in the criminal action were paid, either directly or indirectly, by the committee to re-elect the President or Presidential aides in the White House, and that is a condition which

is not calculated to accomplish justice, in my opinion. Of course, you were out of the Department of Justice at that time.

Now, twice while you were still Attorney General of the United States and the chief law enforcement officer of the United States, and the chief legal adviser to the President of the United States, meetings were held in your office in the Department of Justice in which such matters were discussed as proposals to bug the opposition political party and to burglarize the headquarters of the opposition party and to employ prostitutes to induce members of the opposition party to disclose secrets, weren't they?

A. They were so discussed and, of course, disapproved.

Q. But the burglary and the bugging was discussed in the second? A. That is correct.

Visit by Magruder

Q. Then on the third occasion, namely on the 30th of March, Mr. Magruder, who was your deputy director of the committee, visited Key Biscayne where you were and discussed these matters, at least the bugging and the break-in, a third time with you, didn't he? A. I wouldn't use the term "discussed." They were presented—

Q. And you declined to do that on three occasions. A. That is correct, sir.

Q. Can you explain to me why it was, after you declined on the first occasion, that you had a second discussion on the matter and after you declined on the second occasion, that you had a third discussion of the matter or presentation of the matter?

A. I cannot for the life of me understand as to why this matter was constantly brought back, except for the point that somebody obviously was very interested in the subject matter.

Q. Wouldn't the evidence justify the inference that you did not communicate your disapproval in such an emphatic enough matter to prevent the bugging and the break-in? A. No, I think the testimony of Mr. Dean and my testimony of yesterday and today is quite to the contrary. In fact, this was not the type of concept that was envisioned. It was quite different.

Q. And the man who was in charge of your committee when you were absent was Mr. Magruder, wasn't he? A. That is correct.

Q. And didn't you shortly after, didn't you find out shortly after the 17th day of June that Magruder had financed the burglaries? A. Yes, sir, that was in the week following the break-in.

Q. In other words, it appeared very shortly that five burglars had been caught in the Watergate and that one of them was Mr. McCord, an employee of your committee? A. That is correct, sir.

Funds From Committee

Q. And it also appeared that four of the burglars at that very time had in their pockets money which came from your committee. A. That was eventually established, yes, sir.

Q. Now, very shortly after you found out the things I inquired of you about, you also found that Liddy, who had been general counsel to the committee, the Finance Committee to Re-elect the President, and another employee of your committee, E. Howard Hunt, had been arrested for complicity in the break-in.

A. Senator, may I point out that to the best of my knowledge, Mr. Hunt was never an employe of either one of the committees. Mr. McCord—

Q. Mr. Hunt was employed in the White House, was he not? A. I have learned that since, yes.

Q. Well, you found out sometime in the summer, did you not, that Mr. Hunt had been sent over to the committee by Mr. Colson? A. Yes, sir.

Q. And you found about the same time that Mr. Hunt had been implicated in the burglary of the office of the psychiatrist of Ellsberg? A. Yes, sir.

Q. And you found out, therefore, that Hunt, a burglar, had been retained on the the White House payroll from September, 1971, 'til the break-in. A. Well, I was not aware of the periods, but I did learn that he had been a consultant to the White House.

Q. And then, after you came back from California, you talked to Mr. Robert Mardian and Mr. Fred LaRue and Mr. Dean and Mr. Magruder about these matters. A. That is correct, sir.

Q. And from your conversation with these men, you realized that Dean and Magruder participated—that Magruder had participated in the break-in and that he and Dean were engaged in what has been called the cover-up?

Magruder Provided Funds

A. If I can answer just slightly different, Mr. Chairman, we did learn that Magruder had obviously been providing the funds that were used in connection with the activities of the group that did break in.

Q. And did you not find out that Dean and Magruder were trying to conceal these events? A. Well this came a

bit later down the pipe but we did obviously learn that this was the case.

Q. About how long afterwards? A. I would believe that it would probably have been the middle of July or some time thereafter.

Q. And you also found that money which had been contributed for the re-election of President Nixon had found its way into the bank account of Barker, one of the burglars at the Watergate? A. Yes, sir, that came forward quite early.

Q. And then Magruder told you that, in effect—well, first, you talked to LaRue and Mardian and they both knew about these events. You could tell that from the conversations they had with you, did you not? A. They told me, repeated what Mr. Liddy had told them, yes, sir.

Q. And that was that he had participated, had investigated this burglary at the instance of Magruder? A. That is the basis of their representation to me as to what Liddy had said.

Q. Yes; and from that, your conversation with Robert Mardian and Fred LaRue, you learned that they had been apprised of that fact? A. That is correct.

Q. You also were informed by Magruder that he, Magruder, was prepared to commit perjury when it went before the grand jury in August rather than to reveal what he knew about these matters? A. That was correct, sir.

Question of Perjury

Q. Now, did you agree that that was the proper course of action to take? A. It was a very expedient one, Senator. At that time in the campaign so close to the election, we certainly were not volunteering any information.

Q. Well, did you advise Mr. Magruder that perjury was a felony and he ought not to commit perjury when he proposed to you that he commit perjury? A. I am sure Mr. Magruder was well aware of it.

Q. Yes. Well, did Mr. Mardian and Mr. LaRue ever talk to you about the Magruder proposal to commit perjury? A. They were present on an occasion or more in which Mr. Magruder stated what he was going to testify to.

Q. Did you ever have any conversation with Mr. Halldeman about these matters? A. Not until much later on, Senator.

Q. How much later on? A. This year.

Q. You mean you never had any conversation with Mr. Haldeman until 1973?

A. About the subject matter that you are referring to with respect to—

Q. Well, what about Mr. Ehrlichman? A. I had no such conversations with Mr. Ehrlichman.

Q. Did you have any information at the time of these other White House horrors, as you call them, about Mr. Ehrlichman trying to enlist the aid of the C.I.A. to suppress investigation of the Mexican checks by the F.B.I.?

A. No, sir, I did not learn of that until a more recent date here, when it has been made public.

Q. You knew about all these other things, however, before the indictments were returned in September against the seven original defendants? A. When you say all of the other things, you mean the items that we have just discussed here?

Q. Yes. A. Yes, sir, I did.

Q. And you were aware of the fact that sometime about early September or late August that the President made a statement to the American people to the effect that nobody involved, nobody presently employed

in the White House had anything to do with any of these matters? A. As I recall the statement, Senator, and I am not sure that I can recall it specifically, I believe the statement was to the effect that there was nobody in the White House that was involved in the breaking and entering of the Watergate.

Q. Then the President didn't make, his statement as you construed it didn't indicate that the President was saying that nobody in the White House knew anything about it, about the cover-up?

A. Well, I believe the statement referred to involvement. I could be wrong, because I don't remember the contents of it, but I believe that was the case.

Q. Well, I think you stated that Mr. Strachan was liaison between Haldeman in the White House and the Committee to Re-elect the President? A. I think you can broaden that, Senator, to the fact that he was liaison between the White House and the Committee to Re-elect the President.

Q. Yes. And did you not learn that he had been advised by Mr. Dean and Mr. Magruder as to what was going on in the Committee to Re-elect the President at these times? A. Well, Mr. Strachan was constantly being advised as to what was going on in connection with the matters at the Committee for the Re-election of the President. In fact, he attended meetings from time to time of the committee.

Q. And he attended there for the purpose of advising the people at the White House as to what the committee was doing, didn't he? A. I presume that was his purpose.

Q. That was his sole function, was not it? AA. I don't know what he did at the White House, but it was the sole function of his relationship with the committee.

Spoke to President

Q. Now, as I understand your testimony, you talked to the President twice about Watergate, the first time in June, 1972, and the second time on the 22d of March, 1973.

A. When we talked about Watergate, Senator, those were two occasions upon which they were discussed. I also testified yesterday that in some of the political meetings that were had, the general subject matter was discussed as to how the President should approach it with respect to a type of Warren commission or special prosecutors and other such items. These were in large groups.

Q. Well, you had a conversation with the President about Watergate in June, 1972, didn't you? I believe it was June 20. A. The 20th of June, a short telephone conversation, that is correct.

Q. And you apologized to the President for Watergate?

A. I apologized to the President for not keeping track of the personnel in the committee to the extent that the Watergate matter could have happened.

Now, this is the 20th of June before I had learned of a lot of other circumstances.



A guard talking to people who arrived early as they waited for the Senate hearing on Watergate to begin

The New York Times/George Tames

Q. Well, you had learned enough by the 20th of June to feel that the committee to re-elect the President, or at least some officials of it, were implicated in the Watergate break-in, didn't you?

A. With respect to McCord, yes, and this is the basis for my apology.

Q. Well, didn't the President ask you what you meant by your apologizing?

A. I think I made it quite clear to him that I hadn't exercised sufficient control over the activities of all of the people in the committee.

Q. Didn't the President ask

you then what you knew about Watergate and why you were apologizing? A. I think I told him what I knew about Watergate at that particular time, which was very, very little.

The Brookings Plot
Q. Now, when did you learn that Colson had allegedly sought to persuade Caulfield to bomb the Brookings Institute? A. Oh, it was sometime during one of the conversations that I had had with Mr. Dean along the way.

Q. When did you first learn about the operations of Segretti? A. When I read about them in the newspapers.

Q. Well, did Mr. Dean come to New York and talk to you about the demands of some of the defendants for money? A. Yes, he did later in the year. I believe the occasion had to be in November or perhaps even later than that.

Q. Didn't you hear anything about the fact that these defendants were demanding money for counsel fees and for support during the summer of 1972? A. I did not, as I have testified here yesterday, Mr. Chairman, the Mardian-Liddy discussions — Mardian-Laure discussions with Liddy, the matter was mentioned as to whether or not the committee could provide money for the bail for the individuals and that was turned over by the committee. Apparently the activities of raising money for support and counsel fees continued on and it wasn't later until sometime in the late summer or fall that I heard about the activities.

Q. You did hear about — you were given to understand that either the committee or Mr. Kalmbach were furnishing the money to pay counsel fees and support to the families of the seven Watergate people?

A. Yes sir. I heard that as I say later on after the time frame.

Q. And later you were informed that there was some doubt as to whether McCord would stand fast in silence, weren't you? A. I was so advised, yes sir.

Q. Yes. And you were asked to see what you could do about that, weren't you? A. About what, Senator?

Q. To see what McCord was going to do. A. I am not quite sure, Mr. Chairman, that I get the thrust of your question.

Fears About McCord

Q. Well, who told you about the fear that McCord might not remain silent? A. I believe it was Mr. Dean.

Q. When was that? A. Sometime after the first of the year, I would believe.

Q. Now, you mentioned that fact that there had been some talk from somebody to the effect that Hunt said he would not take a promise of immunity from anybody except Colson. When was that?

A. That was sometime directly after the first of the year also, I believe preceding the trial. Mr. Dean related that conversation and it had to do with the fact that Mr. Hunt's interest in executive clemency would only be accepted from Mr. Colson.

Q. Now, as I recall, you testified you—after you had moved to New York that you came down to Washington and were here on the 22d of March and had attended a meeting where the President and Dean and perhaps Ehrlichman and Haldeman were present. A. Yes sir, that is correct.

Q. And you discussed this committee? A. Yes sir.

Q. And the President was adhering at that time to the notion that he could invoke

executive privilege and keep any of his present or former White House aides from testifying before the committee isn't that so?

A. I believe that the fact that that impression had been put out from the White House was one of the reasons for the meeting. Obviously, of course, the President could waive it any time he wanted to and that was one of the subject matters that was discussed at the meeting of March 22d.

Q. Didn't you advise him not to invoke any such claim of executive privilege?

A. I had told the President, and I presume it was by way of advice, if he thought it was appropriate to accept it, and this is, of course, in the time frame of the Gray hearings, where this subject matter became very lively, in which I suggested that I thought that his only problem, his only public problem, with respect to these matters was the fact that he was indicating that he would invoke executive privilege with respect to the staff and the White House and I thought this was something he should not do because it was putting him in a very poor light.

Withholding of Data

Q. Don't you agree with me that any person, whether it is the President or a Senator or a hod carrier or anybody else, who gives the impression to the public that he is withholding information within his power is putting himself in a bad light?

A. Well, Mr. Chairman, if we will leave out the President, I will certainly agree with you wholeheartedly. I think the President has a separate question with respect to the separation of powers.

Q. I was discussing psychology. From a psychological standpoint, don't you think that the President who withholds information or papers about a matter that is being investigated runs the risk of having many Americans draw an inference that the reason he withholds them is because he realizes they would be unfavorable to him.

A. I think they may, but I am sure that there is not always that simple question or other factors involved that have to be weighed and you have, frequently you have, two risks that have to be weighed and certainly it is the case in this area.

Q. Do you agree the concept that executive privilege is—entitles the President to deny a court or a Congressional committee the testimony of his former or present aides about everything?

A. It depends entirely upon the area, Mr. Chairman. And, of course, if they are conversations or direct communications with the President and particularly with respect to certain subject matters, I think that he has that power.

Q. Well, let me state my concept of executive privilege and see if we agree or disagree. I think a President is entitled to have kept secret confidential communications had between him and an aide or had among his aides which were had for the purpose of assisting the President to perform in a lawful manner one of his constitutional or legal duties. A. Senator, I agree with that concept.

Q. Yes. And I think also that is the full scope and effect of executive privilege. Since the President, there is nothing in the Constitution requiring the President to run for re-election I don't think that executive privilege covers any political activities whatsoever. They are not official and have no relation to his office. Do you take the position that the President is en-

titled to keep political secrets from the Congress or political activities under executive privilege? A. Not under the outline that you have provided.

Q. I also take the position that executive privilege does not entitle a President to have kept secret information concerning criminal activities of his aides or anybody else because there is nothing in the Constitution that authorizes or makes it the official duty of a President to have anything to do with criminal activities. A. I would agree.

Q. Yes. So, I cannot see, if the President has nay—if any aide has any information about criminal activities or if any papers in the White House that constitute reports from—to any White House official about criminal activities that they are privileged in any way whatsoever.

A. I would have to qualify that with respect to certain areas that might involve national security, and if we will leave that out I will agree with you.

Well, national security is defined in the executive order as comprising only two fields: first, is national defense and the other is our relations with foreign countries. I don't think there is anything else that falls in the field of national security, according to the definition in the executive order which was signed by President Nixon, and I think that is also clear that the acts of Congress make it very clear what national defense is.

A. I made the exception and you have very properly, I think, defined it.

Q. Now, in his campaign in 1968 Nixon appealed to voters for their support in these words:

"America is in trouble today not because her people have failed but because her leaders have failed. Let us begin by committing ourselves to the truth, to see it like it is, and to tell it like it is, to find the truth, to speak the truth, and to live the truth."

Now, do you have any reason to think that between that time and 1972 that President Nixon has changed his position, his fidelity to the truth?

A. I have no doubt whatsoever that his fidelity to the truth is the same as it was in 1968.

'To Find the Truth'

Q. And yet, he said that the way to save America in 1968 was "to find the truth, to speak the truth, and to live the truth." And yet, when 1972 came and these White House horrors became known to you, you did not take the advice that President Nixon gave us all in 1968, did you. A. Not under that particular guideline, I assure you.

Q. In other words, not only was it true that in your case, but it was true in the case of Mr. Mardian, Mr. LaRue, Mr. Magruder, Mr. Dean and Mr. Ehrlichman, was it not? A. Well, I cannot characterize those gentlemen and their activities.

Q. Did the President at any time ask you what you knew about Watergate? A. Not after that first discussion that we had on the telephone, I believe it was on June 20th.

Q. Well, if the cat hadn't any more curiosity than that it would still be enjoying its nine lives, all of them. A. Well, I hope the President enjoys eight more of them.

Q. Mr. Mitchell, as I understand your testimony, you knew that Magruder was subpoenaed to go before the grand jury some time about August? A. I knew that Magruder made an appearance before the grand jury in August, yes, sir.

Q. And he had told you that he was prepared to commit perjury rather than reveal the truth? A. That is correct.

Q. And am I doing you an injustice to ask you whether or not you preferred for Magruder to commit perjury rather than to reveal the truth? A. I do not think any of your questions, Senator, could possibly be an injustice. The preference, obviously was that the matter not be disclosed.

Q. Now, I want to talk to you just a little bit about the Presidency. I do not consider—you and I may disagree on this, but I do not consider the occupant of the office of the President, as important as that office is, to be a sacrosanct person, occupying a position above the law and above all other Americans. A. If you wish a response to that—

Q. I would be glad to have your comment on it. A. My comment would be that the Presidency obviously has to be held in the highest regard, respect, and obviously, he is not above the law, nor is any other citizen.

Presidential Immunity

Q. Well, why should a President be immune from subpoena or from voluntarily appearing before a Congressional committee investigating a matter of the importance of this matter?

A. Senator, I am out of the business of giving legal advice, at least for the time being, and I do not think I can comment on that subject.

Q. Well, the only thing I have seen definitely on that point is the opinion of Chief

Justice Marshall in the Aaron Burr case in which he ordered a subpoena duces tecum to be issued to Thomas Jefferson to come to the Circuit Court in Richmond and present some letters he had received from General Wilkinson. So far as I know, that case has never been overruled or disputed by any court.

And you were afraid to tell the President—, I won't say afraid, but you preferred not to tell the President and didn't tell the President because you didn't want the President to do what you called lowering the boom?

A. That is exactly correct.

Q. And it might have affected the votes of the American people? A. It is quite conceivable—I don't expect to an extent that some of us might believe. I think that is a matter for debate, but it certainly could very well have affected the outcome.

Q. Well, I have a higher opinion of the American people than that. I think if the President had lowered the boom, if you had told the President and the President had lowered the boom and come out in the performance of his constitutional duties to take care that the laws of faithfully executed, I think he would have made his, the election most sure than ever.

A. Well, except for one circumstance, Senator. And that is, of course, they impute the wrongdoings of the lowest individual in the White House, of course, right to the top. This is where the problem always seems to arise.

A Present Danger

Q. Now, don't you think that there is danger of people doing that if the President persists in his determination not to come before this committee? A. I am not sure I understand your question, Mr. Chairman.

election of President Nixon was so important that you were willing to engage in activities which have been well described as being irregular to insure his re-election, I think a question lies in many minds at this time. To what length are you now willing to go to deceive in an effort to avoid further implication of the President in the activities under investigation by this panel? More specifically, are you willing to lie to protect the President?

Choice Not Necessary

A. Senator, there is one great thing about the answer that I can give to that question to you. I do not have to make that choice, because to my knowledge, the President was not knowledgeable, certainly about the Watergate or certainly knowledgeable about anything that had to do with the cover-up, if that is the phrase that we are using. So I do not have to make that choice.

Q. In your testimony, Mr. Mitchell, you have suggested that it would not be fair—that is the word you have used—fair to the President if the facts relating to Watergate and the White House horrors had been brought to his attention and to the attention of the American people during the election campaign. Have you ever considered whether it was fair to the members of the opposition party or fair to the American people to conspire to keep them from the true facts of this matter?

A. Yes, I am sure that that subject matter has crossed my mind many, many times. But I do not believe now, I did not believe then that the President should be charged with the transgressions of others. And it is just as simple as that.

Q. I am reminded that as Attorney General, like all public officials, you were required to take an oath of office to uphold the Constitution of the United States and I am reminded by telegrams that I have been receiving that this is a government of laws and not of men. Did you feel that the President was above the laws of the land?

A. The President is never above the laws of the land to my knowledge, he has faithfully executed the laws of the land.

Judgment Is Questioned

Q. This is very important, because based upon your knowledge of the President, and as a judge of men and men's character, you are suggesting to this committee and to the people of the United States that the President was not aware of the break-in and of the cover-up that followed. I note that you have hired or was involved in the process of hiring very important men—Jeb Magruder, John Dean, Frederick Larue, Mr. Mardian, Mr. G. Gordon Liddy, and Major General Turner. I note that there is one thing in common with all of these men: They have all been involved in the commission of a crime. Would you say that you are a good judge of character, sir?

A. If the Senator wants to go back over that list, I will discuss them item by item.

Number one, with respect to Mr. Dean, I did not hire him; Mr. Kleindienst did, as the deputy Attorney General. I would have fully subscribed to his hiring him at that particular time. As Mr. Dean has testified, I advised him to stay in the Justice Department; not to go to the White House.

With respect to Mr. Liddy,

Q. I think it is, Mr. Mitchell, because I think your perception or the perception of anyone who worked with and for the President of the institution itself has some bearing on the decision-making processes that are undertaken. I think it has some bearing, for instance on the question of why you did not tell the President of these facts, and I know you have indicated that you have answered those questions a number of times before, but I would like to approach it from the other standpoint; that is your perception of the Presidency and modified still further, what is your perception of your responsibility to the Presidency both as the Attorney General of the United States, as a friend of the President, as a private citizen,

what is your perception of the obligations of the Presidency and your obligation to it.

Mitchell's Responsibility

A. Well, Senator, I could, of course, go on for hours as to the perception that I have of the Presidency. I think that perhaps what you would like to get to is my thought of my responsibility to the Presidency.

Q. Now, let me give you an example or so. Is the Presidency so shrouded in mystique, is there such an aura of magnificence about the Presidency, is there such an awesome responsibility for a multitude of problems and undertakings of this nation that the Presidency in some instances must be spared the detail, must be spared the difficulty of situations which in more ordinary circumstances might be considered by some at least to be frank, open, declarations of criminal offense? Is the Presidency to be protected in that way? Is the splendor of the isolation so great that the President must be protected and if so, in what cases?

A. Senator, we can talk to the specifics of this particular case, the Presidency, in my concept of it and the way I have watched it function is that obviously the President cannot deal with all of the mundane problems that go on from day to day. He has to deal with the greater problems in the area.

Now, to get to the point where I come in, and that is—it is my opinion and my concern with respect to this particular Presidency, that he should not have been involved in connection with these matters that bore directly upon his election, and he should have been protected from the knowledge of them.

Q. Why? A. In the interest of his re-election.

Q. Why is that not a Presidential grade decision? Why of all decisions that might be made by the man, the candidate for President of the United States, why should he not be permitted to make that decision? What is it that arrogates that authority to someone else other than the President, to take a material step that will signifi-

cantly affect not only his election prospects and changes but his Presidency, if he is re-elected?

A. Because of the consequence that would obviously flow from it.

No Alternatives

Q. Why should he not make that decision?

A. If he were to make the decision there would be no alternative. He would have a choice of being involved in what you all referred to as a cover-up or he would be involved in the disclosures which would affect his re-election.

Q. Mr. Mitchell, does that or not imply distrust of the decision-making ability of the man who occupied the office at the time—that is, that you spare him the responsibility to make such a fantastically important decision?

A. Quite the contrary, and I do not refer to it as a fantastically important decision. Of course, in retrospect, it has been, and perhaps the best thing maybe would have been to do that. But it is not a question of distrust of the President, it is a question of a recognition that if he were advised of the situation, that he would take these actions which would be deleterious to his campaign.

Q. Then, what is your perception of the Presidency that leads you to believe that he ought to be spared the difficulty of making a monumental decision?

A. The very simple point, Senator, that it was an election year in which, if the facts were known to the President, that his course would have been obvious and it would have impeded his potential for re-election. Now, I am not saying today any more than I said yesterday that this was the right decision. I am telling you the basis upon which the decision was made.

Q. Is there any other important decision that you can think of that the President ought to be spared from making? Give me another example of another situation where the Attorney General of the United States or the chairman of the committee to re-elect the President, or administrative staff or anyone else, should decide in order to spare him the lack of options, as you have described it—what else besides that would come to mind?

Tell me another one that would be similar, another one that you would not tell the President about, another consequential decision that you would not tell the President about to avoid eliminating his options.

Other Situations

A. I think as your hearings go on, you will find out about other ones, in connection with the staging of demonstrations up here in the Capitol and some of the other activities that were undertaken by some of the people who were involved in this campaign, that obviously, he would have to condemn if they were known to him.

Q. Is not what you are telling us, Mr. Mitchell, that in certain cases, in order to pre-

serve a range of political options, that the President should be denied access to the information on which to make a legal and valid judgment as to the propriety of those actions? And if you say yes to that, is it not true that that theorem has a significant diminishing effect on the powers of the Presidency as decreed in the Constitution?

Do you not in fact, by that, arrogate unto yourself a Presidential decision?

A. Senator, I think the answer is yes in all of those particular areas, because obviously, the basis of information has to be with the President before he can make his judgments on the subject matter.

Q. What is the constitutional basis for arrogating unto yourself or anyone else a constitutional-level—I mean, a Presidential-level decision? A. I have not found one in the Constitution, Senator.

Q. It was—aren't you dead sure in your mind that that was a mistake, not telling the President? A. Senator, I am not certain that that is the case, because we were talking about the weeks of June in 1972, where I still believe that the most important thing to this country was the re-election of Richard Nixon. And I was not about to countenance anything that would stand in the way of that re-election.

Q. We must move forward to June 22, when you received your briefing from those involved on what happened at the Watergate. A. That is right.

Retrospective Opinion

Q. At that moment, in retrospect, aren't you certain now that the country would have been better served and the President would have been better served by calling to account every single person in the Administration who even allegedly had anything to do with it and to express to the President personally what happened?

A. Now, you are talking about not only the Watergate but these other activities that we have just gotten through with? Q. I am speaking of everything that occurred from Jan. 20, 1969, to June 22, 1972. A. Senator, if I could have been assured

at that time that the President would have been re-elected, I would agree with you wholeheartedly.

Q. You understand, I am sure, what an enormous premium, then, you put on success? I suppose all politicians put a great premium on success. But do you care to weigh that any further and tell me that the concealment from the President of facts such as you have described as the Watergate horrors, the break-in—A. No, the White House. Q. The White House horrors and the break-in to the Watergate on June 17, that all of those things were inferior in importance to the ultimate re-election of the President. A. I had no doubt about it at that time and I have no doubt about it now.

Q. What would the President have to have done before his re-election was not as important as the event? Or what would someone have had to have done other than the President?

A. Well, Senator, I am sure you are well aware that the President was not knowledgeable of the or involved in that and this would have been a derivative rub-off on many of something that was, would have been absolutely unfair and unjustified.

'Suspicion of a Nation'

Q. Isn't it unfair that he is now undergoing the hostility and the suspicion of a nation in this respect with the allegations of cover-up, with the lingering suspicion about what he knew? Isn't that greatly, isn't that far more unfair?

A. That is a statement that I am not prepared to accept, Senator. I do not believe the nation feels that way and I do not believe that anybody has come to the point where they have one shred of evidence that he was knowledgeable of the break-in or the cover-up.

Q. I think you and I are talking about two different things. A. Obviously, because we generally get along fine.

Q. Well, we still do get along fine and I am delighted that I have this opportunity to probe into the great mentality of a great man.

And I think one thing that I might say in that respect that may shed some light on that situation is a remark you made in Gatlinburg, Tenn., when you spoke to the Tennessee Bar Association at my request; you graciously accepted that invitation.

I introduced you at the reception to some of my friends who are attorneys in Tennessee. I said, Mr. Mitchell, as you know, was once President Nixon's law partner, and our distinguished witness said, no, Mr. Nixon was my law partner.

Now, Mr. Mitchell, I have no quarrel with you. I welcome this opportunity to find out where the threshold is, where the crossover point is on the importance of an event versus the responsibility to tell the President.

Now, what I spoke of a moment ago was not evidence of the President's involvement. I have imposed on myself a discipline that I will not comment on the importance, the relevance, or the competence of the testimony of any witness until all of the testimony is taken. And I am not going to do that with respect to the President, either. But what I am talking about is suspicion. What I asked you is whether or not the decision to expose all of this to the President for a Presidential decision, would not it have been infinitely better than to undergo the suspicion, the blemish, the uncertainty in the minds of the American people that does exist—not

Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, July 11—Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate case:

COMMITTEE MEMBERS

Sam J. Ervin Jr., North Carolina Democrat, chairman.
Herman E. Talmadge, Democrat of Georgia.
Daniel K. Inouye, Democrat of Hawaii.
Joseph M. Montoya, Democrat of New Mexico.
Howard H. Baker Jr., Republican of Tennessee.
Edward J. Gurney, Republican of Florida.
Lowell P. Weicker Jr., Republican of Connecticut.

COMMITTEE COUNSEL

Samuel Dash, chief counsel and staff director.
Fred D. Thompson, chief minority counsel.
Rufus I. Edmiston, deputy counsel.

WITNESS

John N. Mitchell, former Attorney General and former chief of the Committee for the Re-election of the President.

PERSONS NAMED IN TESTIMONY

John J. Caulfield, former employe of the Committee for the Re-election of the President.
Charles W. Colson, former counsel to the President.
John W. Dean 3d, former counsel to the President.
John D. Ehrlichman, former White House adviser.
H. R. Haldeman, former White House chief of staff.
E. Howard Hunt Jr., ex-White House consultant; pleaded guilty to spying in Watergate case.
G. Gordon Liddy, former White House aide, convicted in the Watergate break-in; in jail.
Frederick C. LaRue, former aide to Mr. Mitchell.
James W. McCord Jr., convicted participant in Watergate break-in.
Jeb Stuart Magruder, former deputy director of the Committee for the Re-election of the President.
Robert C. Mardian, official of Re-election Committee.
Hugh W. Sloan Jr., former treasurer of Finance Committee to Re-elect the President.
Maurice H. Stans, former Commerce Secretary; former chief of Nixon Finance Committee.
Gordon Strachan, former assistant to Mr. Haldeman.
Maj. Gen. Carl C. Turner, ex-Provost Marshal General of the Army.

proof; I think the American people are remarkably forbearing in this respect—but the suspicion. Would not it have been infinitely better to do that in June of 1972?

'You Are Probably Correct'

A. In the Monday morning quarterback field in what has developed into the circumstances that exist today, I don't doubt for a moment that you are probably absolutely correct, and I believe so.

Q. We have no defendants. We are not trying to establish the guilt or innocence of anyone. We are trying to prevent this in the future by legislative relief. So that statement by you is most helpful. That is, in hindsight, you are certain, are you not, that it would have been better to permit a President to make a Presidential grade decision in June of 1972?

A. I don't think there is any question about that based upon what has developed out of this, Senator, and how it has developed to the point we are today is another question that has to be examined.

Q. Entirely different, separate and aside. It has to do with guilty and innocence, it has to do with circumstances, it has to do with involvement or noninvolvement. But for our purposes, as a senatorial committee, our future is to find the ways to avoid this in the future—I mean our responsibility is to find ways

to avoid this in the future and that is why I keep pressing for your hindsight, whether or not you are convinced, and I am happy you are convinced.

A. Well, there is no question about the developments that have taken place since the weeks of June of 1972 to July of 1973. I don't think there is any question about it at all, that it might even have been better, Senator, as you say, take them out on the White House lawn; it would have been simpler to have shot them all and that would have been less of a problem than has developed in the meantime.

Q. If I were to ask you one other question, if I were to say that I know of no way that this committee could or should try to compel the President to appear and give testimony, I think the most fundamental tenet of the doctrine of separation of powers probably prohibits that, but if I assume that to be true, and I believe it to be true, and if I still continue to have the desire to complete this record, this definitive statement on Watergate, the President's perception and knowledge, particularly of specific events, such as I have alluded to, I finally come to the conclusion that a statement by the President, while welcome, would not be complete, and I have been groping for some way to try to circumnavigate the rocks and shoals of separations of powers, separation of powers, and executive privilege.

My staff brought to my attention a precedent established in 1919 when the Senate Foreign Relations Committee asked President Woodrow Wilson to appear in connection with ratification of the Treaty of Versailles and President Wilson, as I recall, did not even decline to appear. Rather instead he invited the Foreign Relations Committee to the White House and they went, and they had a conversation with President Wilson in rather good detail. That was made a part of the official record of that committee and published as a committee document.

Now, that, in 1919, at least, appeared to solve the executive privilege-separation of powers problem for President

Wilson, and for the Senate Foreign Relations Committee.

Can you or would you care to comment on that as a possible alternative or suggest any other alternative for gaining this information and preserving the precedents that the President has referred to?

Hopes for Invitation

A. Well, Senator, I hope that you all are invited down to the White House, hopefully under the circumstances that you desire.

Q. With safe conduct?

A. With safe conduct. I understand you do have your protective forces up here that can get you in and out all right—I do hope that somewhere along the line that you will be there under the appropriate circumstances but it would be brash on my part to make a suggestion as to how the President should handle this question of separation of powers.

Q. Well, it is no more brash for you to say it, probably less brash than it is for me to say it, but I genuinely do value your advice in that respect and I would like to have any suggestion you have. But do any other thoughts or ideas come to mind on how we can gain access to this information and perception of the President and still try to avoid an institutional confrontation between the Congress and the President on these doctrines?

A. Yes, Senator. There is one that very much comes to my mind that you and the chairman go down and discuss it with him, and I am sure that you may find some mutual grounds upon which to resolve this problem.

SENATOR MONTROYA: Did you ever authorize the transmission or even inspection of F.B.I. reports in the Department of Justice? A. Authorize their transmission and inspection by whom, Sir?

Q. The transmission of F.B.I. reports to the C.R.P. or the inspection of F.B.I. reports at the Department of Justice. A. No, sir.

Q. Do you know of anyone who did? A. No, sir, I do not.

Q. Do you know whether or not these reports were received at the Committee to Re-Elect the President? A. I have no knowledge of any such procedure.

Q. What kind of information-gathering did you have in mind? A. The gathering of all types of information that would be available to the campaign, beneficial to it, that would be done, of course, within appropriate means. That is the way it has always been done in political campaigns.

Information Sources

Q. Did this include getting information from the other side if you could get it? A. There is no question about it.

Q. Let us go now to the implementation of that plan. When you now became the director of the C.R.P., during your incumbency as director, you had periodic meetings with respect to the budget, at which meetings you had the finance committee,

you had Mr. Magruder, you and Mr. LaRue, and yourself approving the expenditures for the conduct of the particular campaign. That is correct, isn't it? A. Yes, Senator, but the budget committee also, of course, had Mr. Stans and Mr. Sloan and Mr. Nunn on it and Mr. Malek eventually became part of that budget group.

Q. I believe Mr. Stans testified that he would go in there as the chairman of the finance committee and attend these budget hearings, but actually, that the policy for expenditures was set out by your division and your direction. Was that about right?

A. Well, the meetings really revolved around, in the last analysis, how much money Mr. Stans could raise and then we would make determinations as to how much would be spent in what particular area. But, of course, Mr. Stans also had his input, would object to the fact that

I didn't need X dollars for television and direct mail would overlap it, et cetera, et cetera. But the actual purposes for which the monies were expended within the general categories were contained, of course, in the budget.

Q. And who prepared that budget? Was that prepared under your direction, was it approved before it was submitted or discussed before the finance committee? A. No, the budget evolved out of the budget committee meetings.

Q. All right. Now, I believe your testimony has been that you did not approve any specific disbursement with respect to any cash that was given to Mr. Liddy in the implementation of the so-called Liddy surveillance or intelligence gathering plan?

A. That is correct, and I think that is also Mr. Stans' testimony relating to the same conversation.

Stans Also Testified

Q. Yes, Mr. Stans so testified that he did not discuss any specific figures. That is correct. Now, isn't it odd, Mr. Mitchell, that \$250,000 went out of that treasury and you did not know what went—what it went for when the word around there was between Mr. Magruder, between

Mr. Stans and Mr. Sloan that this cash was being disbursed to Mr. Liddy?

A. Well, Senator, I don't know what the \$250,000 figure comes from or where it comes from, but I believe there was an expenditure by Mr. Liddy before I arrived on the scene, as testified to by Mr. Stans, of some \$125,000. And as I recall, Mr. Sloan's testimony with respect to the total that was turned over to Liddy was \$199,000. So we are talking about a difference between \$125- and \$199-thousand.

Q. Then, when you arrived on the scene, you were told about this figure of \$125,000. Were you also told what that figure and that expenditure represented?

A. I was not told of the \$125,000, Senator. As a matter of fact, as I testified yesterday, when the post-Watergate investigation came along, it was very, very difficult to get the information out of the individuals involved and we had the colloquy between Sloan and Magruder, Magruder saying it was \$50,000 that had been given to Liddy and Sloan saying, no, it was much more. We had to finally resolve the question by getting Mr. Stans. So if I could get the information post-Watergate without getting it from Mr. Stans, I sure in hell didn't get it voluntarily when I came aboard in April.

Q. Well, what did you mean when you stated that you were aware of the \$125,000 figure having already been expended? A. I was aware that Mr.—in what context are you putting this?

Funds to Liddy

Q. With respect to the disbursements to Mr. Liddy. A. I was aware of the fact that there was an information-gathering, intelligence-gathering activity that Mr. Liddy was carrying on. The \$125,000, the first time I ever saw it, was when Mr. Stans testified here before this committee.

Q. Well, give me the specifics of the intelligence-gathering that Mr. Liddy was gathering, at that time when you were so informed. A. Well, I would have to start back, Senator, to the time when Dean brought Liddy over to the office on Nov. 24 to talk about the position where he was going to get intelligence. This would be part of his activity, to get information relating to which might be useful in the campaign. There has been testimony here, and I vividly recall the fact that Liddy went to San Diego and did a survey of the then-gathering storm with respect to the elements that were going to congregate in San Diego to oppose the holding of a peaceful convention. There was the Democratic National Committee kick-back story that was investigated by Liddy at a later date, a number of such items, none of which were of great consequence to me except possibly the San Diego convention site problem.

Q. Did you bring lawyers into the picture to represent those who were involved or to try to extract information, sufficient information, from them, so that you could be able to pin culpability on those who were responsible? A. They were brought in for both purposes.

Q. And what culpability did you uncover as a result of this legal representation? A. Well, obviously, we uncovered the culpability of Mr. Liddy, at least, so far as his refusal to talk to the Federal Bureau of Investigation, and from then on the question got to be quite hazy as to where the culpability ran from there.

Q. All right, what did you do after you determined the culpability of Mr. Liddy? Did you talk to any prosecuting attorney or any law officer and inform him of Mr. Liddy's complicity in the affair? A. I do not believe, Senator, that—I am sure I did not, I do not know what the people who were conducting the investigation did.

Q. On April 21, 1973, a story in The Washington Post, and I quote, "The former Attorney General, who also served as campaign director for Nixon, reportedly told the grand jury that he knew that Magruder would not have moved ahead independently with plans for the bugging unless he had received permission from higher authority."

Would you still say that?

A. I didn't say it then in those terms, Senator; I think my comment on that particular occasion was that I didn't know who might have been the final authority with respect to it and there was conjecture as to whether or not Mr. Magruder would have moved ahead on his own.

Q. Well, knowing Mr. Magruder as you did, and having heard what The Washington Post attributed to you, what is your testimony today? A. With respect to what, Senator?

Q. Would you say that Mr. Magruder, as I have stated, in quoting you, would you say that Magruder would not have moved ahead independently with plans for the bugging unless he had received permission from higher authority?

A. My testimony today is the same as it was yesterday. To this day I do not know as to who was the final authority or who in concert

moved this program into its activity.

Q. No, but with respect to Mr. Magruder, do you stick by that statement that he was the kind of a man that would not move except with permission from some higher authority?

A. With respect to that story which you just read, I say that it was my recollection that I did not specifically make that statement. It was made in the context of I did not know where the final push or shove or approval came from.

Now, with respect to your specific question of Mr. Magruder, I do not know whether he in concert or with others may have moved ahead on it. I would feel that Mr. Magruder would not have done so unless there was compulsion coming from some other area.

Speculation on Compulsion

Q. Do you have any speculation as to where that compulsion might have come from? A. I tried to answer that question yesterday, Senator, and I believe that the record has been made by Mr. Magruder and certainly Mr. Dean's testimony has better insight on it than I have at this time.

Q. Well, then would you say that Mr. Dean's testimony is correct in the assumptions that he made with respect to this particular subject? A. Well, Mr. Dean as I recall his testimony, covered a great many areas of hearsay about what people had told him with respect to this subject matter.

Q. Then after Watergate you appeared at your apartment on June 19, and you had a meeting there with some people. Now, present at that meeting were Mr. Mar-dian, Mr. Larue, Mr. Dean, Mr. Magruder, and yourself. You recall that meeting, do you not? A. Yes, sir, I do.

Q. And did you request at that meeting of Mr. Dean to check and see if the White House embarrassment could be prevented? A. No, sir. To the best of my recollection that was not discussed at that meeting. As a matter of fact, as of that time-frame of the 19th of June I was unfamiliar with the White House horror stories.

Q. Did you, during your visits to the White House, engage in any conversations with Mr. Ehrlichman or Mr. Haldeman about the course of the investigation as it was being conducted by the lawyers for the C.R.P. and others with respect to Watergate?

A. Oh, I am sure that somewhere, sometime along the way, that these discussions were held. I can't pinpoint any particular meeting. We were more heavily engaged in the matters of the campaign than we were discussing the particular aspects of the Watergate investigation.

tion.

Q. Did you discuss the testimony before the grand jury on the part of Mr. Magruder or the testimony that might, that was going to be presented by Mr. Dean with anyone at the White House? A. The testimony that was going to be presented by Mr. Dean?

Grand Day Cited

Q. Yes, before the prosecutors and the testimony that was going to be presented by Mr. Magruder before the grand jury?

A. No, to the best of my recollection, Senator, those discussions were not held with anybody at the White House. They were held with Mr. Dean and the lawyers and other people at the committee and not the White House.

Q. Can you tell this committee whether or not Mr. Haldeman or Mr. Ehrlichman knew anything about the so-called activities trying to cover up the White House involvement with respect to the Watergate? A. Well, the White House involvement in what respect, Senator? White House involvement in connection with the Watergate?

Q. Yes. A. Well, I do not know as there has been any testimony to the effect that the people in the White House were involved in the Watergate.

Q. Well, with respect to the cover-up? A. Well, eventually along the road, there was discussion in connection with the fact that there was no volunteering or coming forward and that there was a design not to have the stories come out that had to do with the White House horror activities. There is no question about that.

AFTERNOON SESSION

SENATOR MONTOYA: Your concern being that you did not want to trigger off any action that might impair the President's re-election, and that is why you did not advise him before the election, did it not occur to you that your desire to insulate the President against disclosure by you of the exact details of Watergate was not exclusive because there were others close to the President who might have done the same thing?

MR. MITCHELL: I am sure there were others who were close to the President that might have had the same thoughts and the same oppor-

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tunities. I do not know what their subjective thoughts were.

Q. What I am suggesting is that the possibility existed at that time that if you did not tell the President, that Mr. Ehrlichman, Mr. Haldeman or Mr. Dean might do this, did you insure against that thing happening? A. No sir. We had no discussion along the lines that you are inferring with respect to the subject matter.

Q. Well, if your interest was so profound in trying to trigger off any Presidential action that might endanger his chances of re-election, why did you not go to people close to the President to make sure that they would not tell the President about the details involving Watergate?

A. I believe that they are capable of making their decisions on their own. I obviously made mine and I presume that they made theirs independently.

Q. We have a situation here before the committee and I will close with this, Mr. Mitchell, we have a situation of whether or not the Liddy plan was approved. Was any part of the plan approved by you? A. No sir, none whatsoever.

Q. Did you disapprove of the Liddy plan at Key Biscayne? A. Yes sir, I did.

Q. Completely, did you disapprove it all three times? A. Yes, sir.

An Inexpedient Role

SENATOR ERVIN: Mr. Mitchell, on yesterday, when Senator Talmadge asked you concerning your political activities in respect to the committee to re-elect the President while you were still serving as Attorney General you pointed out that it was not illegal for you to do that. A. Yes sir, that is correct, Mr. Chairman.

Q. Yes. Now I think we might mediate just a minute on what St. Paul said. He said, "all things are lawful unto me but some things are not expedient."

Don't you think it is rather inexpedient for the chief law enforcement officer of the United States to be engaging in, directly or indirectly in, managing political activities?

A. I do, Senator.

Q. Yes. I was in hopes that was what you were going to do because when you appeared before the Judiciary Committee on your nomination back on Jan. 14, 1969, you and I had this little colloquy. A. I remember it very well Senator.

Q. Yes. "Senator Ervin. Mr. Mitchell, until comparatively recent years it has been customary for Presidents to appoint the Postmaster General his chief political adviser and agitator. Unfortunately, during recent years this role has been largely taken away from the Postmaster General and given to and exercised by the Attorney General. To my mind there is something incompatible with marrying the function of the chief political adviser and chief agitator with that of prosecutor of crimes against the Government.

"Now, I would just like to know whether you think that the primary function and objective of the Attorney General should be giving political advice or doing political agitating before Congressional committees or enforcing Federal law and acting as an adviser to the President in his Cabinet in legal matters rather than political.

"A. Senator, I would hope that my activities in a political nature and of a political nature have ended with the campaign.