

Ehrlichman described as victim of cover-up attempt

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WASHINGTON (AP) — John D. Ehrlichman's lawyer portrayed the onetime White House aide Tuesday as a victim of the deceit of former President Richard M. Nixon and John W. Dean III.

"Richard Nixon deceived, misled, lied to and used John Ehrlichman to cover up his own knowledge and his own activities," said William Frates in his opening argument at the Watergate cover-up trial.

Frates said Nixon was "covering up to save his own neck."

Frates was the first defense attorney to make an opening statement in the trial of five former Nixon administration and campaign aides charged with conspiring to block the investigation of the break-in at Democratic national headquarters in the Watergate building on June 17, 1972.

David G. Bress, attorney for former Asst. Atty. Gen. Robert C. Mardian, followed Frates and described his client as "very minimally involved in the evidence in this case."

The other three defendants are former White House staff chief H. R. Haldeman, former Atty. Gen. John N. Mitchell and Kenneth W. Parkinson, onetime attorney for Nixon's reelection committee.

Richard Ben-Veniste, an assistant special Watergate prosecutor, outlined the government's case in a long opening statement on Monday. All five defendants are charged with conspiracy to obstruct justice. All but Mardian also are charged with obstruction of justice.

Frates said that in the spring of 1973 Dean, then White House counsel, realized "the house of cards was falling in on him."

It was then, said Frates, that Dean went to his lawyers and they started bargaining with the prosecutors in an effort to obtain immunity from prosecution for their client.

But the prosecutors wanted worthwhile information, Frates said, and Dean offered them Ehrlichman.

In reality, according to Frates, Dean had done on his own acts which he told the prosecutors Ehrlichman had ordered him to do.

"Remember," Frates told the jury of nine women and three men, "Dean was working as the President's lawyer under the President's direction."

Frates said Ehrlichman never ordered Dean to destroy evidence, never attempted to obtain cover-up funds from the Central Intelligence Agency and never suggested using money to buy the silence of the break-in defendants.

While Frates spoke Ehrlichman sat facing the jury.

Formerly one of Nixon's closest aides, Ehrlichman showed no emotion when his attorney attacked the former president.

Frates said that on April 30, 1973, Ehrlichman submitted his resignation to Nixon.

"They called it a resignation but it was a forced resignation," he said.

Frates promised to present evidence that in an unrecorded conversation on that day Nixon told Ehrlichman, "John, you've been my conscience but I didn't follow your advice. It's all my fault. If I'd only followed your advice we wouldn't be in this situation."

"He (Ehrlichman) was forced to resign so the heat would be taken off the President ... and the President standing there knowing it was he who was covering up," Frates said.

The Miami, Fla., defense attorney described Ehrlichman as consistently recommending that everything he knew about Watergate should be turned over to investigators.

But, said Frates, "John Ehrlichman didn't know that Dean and the President of the United States were so deeply involved."

Frates said that last August when Nixon released the tape of a June 23, 1972, conversation which showed Nixon was aware of the cover-up far earlier than he previously had acknowledged, Nixon apologized to his lawyer and to the House Judiciary Committee.

"But he didn't apologize to this man," said Frates, pointing to Ehrlichman. "It was too late."