

# Ehrlichman's Lawyer Says Nixon Mised And Used Former Aide to Protect Himself

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WASHINGTON — Some of the harshest accusations yet against Richard Nixon were heard in court yesterday as his former close aide, John Ehrlichman, split dramatically with the former President.

"Richard Nixon deceived, misled, lied and used John Ehrlichman to cover up his own knowledge and his own actions," asserted Mr. Ehrlichman's lawyer in his opening statement at the Watergate cover-up trial.

The attorney, William Frates, said that while the tape recordings of presidential conversations might have harmed some people "they're the best thing that ever happened to John Ehrlichman." The tapes will show, Mr. Frates contended, that John Ehrlichman "repeatedly recommended a full disclosure of the facts known to him" and "contrary to obstructing justice he was doing everything but that."

Yesterday provided the first clues to the line of defense the cover-up defendants will take, as attorneys for two of the five accused delivered their opening statements to the jury. It appeared that President Nixon may be subject to as much attack from his former associates as from the Watergate prosecutors, who in their opening statement Monday said they will show that the President himself was involved in the cover-up.

Mr. Frates said he intends to prove that on April 30, 1973, when Mr. Ehrlichman resigned his White House post, the President called him to his Camp David retreat and told him: "John, you have been my conscience but I didn't follow your advice. But it's all my fault. If I'd only followed your advice we wouldn't be in this situation."

## A Forced Resignation

Mr. Ehrlichman's departure from the White House was called a resignation, "but it was a forced resignation," Mr. Frates declared, adding that his client was "forced to resign so the heat would be taken off the President, with the President standing there knowing he was covering up."

Mr. Ehrlichman and his attorneys for weeks have been denying rumors that the former top White House domestic adviser was preparing to blame Mr. Nixon and H. R. Haldeman, former White House Chief of Staff, for conspiring behind his back to cover up the Watergate affair. And Mr. Frates observed yesterday that it wasn't easy for Mr. Ehrlichman "to make charges against a man he served for six years."

Nevertheless, Mr. Frates told the jury, the evidence will show that while Mr. Nixon was publicly saying that John Ehrlichman was one of the "finest public servants" he had ever known, "he was deliberately withholding information from him about the cover-up to save his own neck."

When the June 23, 1972, tape recording that forced Mr. Nixon's resignation was disclosed, Mr. Frates recalled, the then President apologized to his own lawyer and to the

House Judiciary Committee for withholding information from them. "The problem is he couldn't apologize to this man (Mr. Ehrlichman) because it was too late," intoned Mr. Frates, adding: "In simple terms, John Ehrlichman had been had by his boss, who happened to be the President of the United States."

Mr. Ehrlichman is standing trial, along with four other former White House and Nixon re-election committee aides, on charges brought last March 1 in connection with the cover-up of the June 17, 1972, break-in at Democratic headquarters in the Watergate office building here.

Mr. Frates never mentioned Mr. Haldeman by name in reciting how Mr. Ehrlich-

man was an innocent party used by the White House to protect the President. Indeed, he pointedly told the jury, "I'm not making any reference to defendants in this room because I don't think that's fair." However, he did complain that "the normal inclination is to put all the defendants in one pot" noting in particular that it's always "Haldeman and Ehrlichman together."

He emphasized that "each of these defendants should stand on his own feet" and urged the jury to "treat each defendant separately." Mr. Frates served notice that he and his law partner "are here to defend John Ehrlichman; we're not here to defend the other defendants," adding, "Nor are we here to prosecute."

However, Mr. Frates did attack Mr. Nixon's chief accuser, former White House Counsel John W. Dean III. "The President and Mr. Dean were maneuvering around because they knew that full disclosure would show their part in it," Mr. Frates asserted. He maintained that Mr. Ehrlichman was drawn in only by Mr. Dean's accusations, which, Mr. Frates charged, were contrived when Mr. Dean saw that the cover-up was about to collapse and began talking to the prosecutors.

Mr. Dean and his attorneys "started hard bargaining for immunity," according to Mr. Frates. However, he said, "the district attorney doesn't buy this kind of deal unless they have some information that's worthwhile." This posed a problem for Mr. Dean, Mr. Frates indicated, and suggested the White House counsel dealt with it this way: "Dean says, 'Where am I going to get that information.' Apparently, he didn't want to involve the President of the United States . . . So the very thing Dean was doing he attributes to other people."

## Didn't Know Dean's Role

Until March 1973, Mr. Frates insisted, Mr. Ehrlichman didn't know that Mr. Dean was "a major part" of the cover-up conspiracy. Even after Mr. Dean began making "serious accusations against Mr. Ehrlichman" to the prosecutors, Mr. Ehrlichman "knew they were false and was saying 'let's let it all hang out,'" his lawyer contended.

Mr. Frates' presentation, delivered in the booming voice of a revivalist preacher, was relatively simple and bordered on spellbinding when compared with the complex outline of the government's case against all five defendants the jury sat through Monday. He laced his remarks with an occasional folksy aside, as when he protested that "John Ehrlichman has absolutely nothing to do with the Committee to Re-Elect the President" or with "who was reporting to who." Catching himself, he added quickly, "to whom, I guess—I never could get that right." He also stopped at one point saying he was distracted by some consultation going on among the prosecutors and then apologized to the embarrassed attorneys, saying he was sorry he'd brought it up.

Mr. Frates, on several occasions telling members of the jury he had great faith in them, concluded that there is "no question that the entire country is watching this case." He declared that "the issue is very simple: will justice prevail or will passion and prejudice be the order of the day." The attorney emphasized that he wasn't going to try to tell the jurors "nothing wrong happened because, of course, that's ridiculous." He even conceded that Mr. Ehrlichman was trying to handle the Watergate matter in a manner that wouldn't be politically embarrassing—"but never anything illegal."