

Ehrlichman Accuses

10/10/74
By George Lardner Jr.
Washington Post Staff Writer

Former White House aide John D. Ehrlichman turned on former President Nixon yesterday, accusing him of manipulating and lying to Ehrlichman about the Watergate coverup "to save his own neck."

In a dramatic opening statement before a federal court jury here, Ehrlichman's chief lawyer, William S. Frates, insisted that Ehrlichman was simply an innocent pawn in the scandal that eventually forced Mr. Nixon's resignation and the trial of his old subordinates.

"Richard Nixon deceived, misled, lied to and used John Ehrlichman to cover up his own knowledge and his own activities," Frates charged. "In simple terms, John Ehrlichman had been had by his boss, who was the President of the United States."

Once No. 2 adviser at the White House, one of Mr. Nixon's most trusted aides, Ehrlichman, 49, sat quietly at his defense table, jotting down

notes and occasionally looking up impassively as his attorney hammered away.

The accusations were the harshest that have been leveled against the former President by any of his White House ex-advisers, including John W. Dean III, whom Frates also denounced.

The defense lawyer relied heavily in his opening argument on what he called "the resignation tape," the recording of conversations that Mr. Nixon had with former White House chief of staff H. R. (Bob) Haldeman on June 23, 1972, just six days after the Watergate break-in and bugging of Democratic National Committee headquarters here was discovered.

Subpoenaed for the trial, the conversations show that the President personally approved a plan to have the Central Intelligence Agency head off a full FBI investigation of the incident with false claims that it might jeopardize covert CIA operations.

"The tapes might have done some people harm," Frates said of the secret

White House system that monitored Mr. Nixon's conversations, but, he said, "they're the greatest thing that ever happened to John Ehrlichman."

The lawyer acknowledged that Ehrlichman did attend a meeting later on June 23 that brought him together with Haldeman, CIA Director Richard Helms and Deputy Director Vernon Walters. The get-together was convened in Ehrlichman's office.

However, Frates said, the meeting was conducted by Haldeman and "the President told Ehrlichman to go."

"There were three questions asked," Frates said. "Was the CIA involved in Watergate? Helms and Walters said no. 'Were any CIA agents involved?' The answer by the CIA was no. 'Would a vigorous investigation by the FBI interfere with CIA operations?'"

At the last question, Frates said, "The answer of the CIA was that they didn't know, they would like to check that further."

By Frates' account, the next big date was July 6, 1972, at San Clemente,

Nixon of Lying

when "the President told Mr. Ehrlichman the CIA was involved. Mr. Ehrlichman, when the President of the United States told him that, believed him."

A Miami lawyer with a deep, booming voice, Frates suggested that this was not at all unreasonable, since FBI Acting Director L. Patrick Gray suspected that the Watergate break-in was "a CIA job," and since Watergate burglars E. Howard Hunt Jr., James W. McCord, Bernard Barker and Eugenio Martinez all had worked for the CIA in the past.

Frates did not say when, if ever, Ehrlichman became disabused of the CIA theory. The defense attorney said, however, that as the months went on, "Ehrlichman repeatedly recommended a full disclosure of the facts known to him."

By contrast, Frates charged, "President Nixon knew the full story, withheld it from Ehrlichman and prevented Ehrlichman's recommendation of disclosing the known facts."

Ehrlichman's lawyer made no explicit accusations against any of Ehrlichman's fellow defendants: Haldeman, 47; former Attorney General John N. Mitchell, 61; former Assistant Attorney General Robert C. Mardian, 50; and Kenneth Wells Parkinson, 47, a lawyer for the Nixon re-election campaign committee.

The Watergate grand jury indicted them all on charges of conspiring to block the original investigation of the Watergate break-in with a fabric of lies, shredded documents, manipulation of the FBI and the CIA, offers of executive clemency and payment of more than \$400,000 in hush money to keep the original Watergate defendants from talking.

All but Mardian, who served as Mitchell's aide at the Nixon re-election committee, also have been accused of obstructing justice in the case. In addition, Haldeman, Ehrlichman and Mitchell were indicted on various counts of

See COVERUP, A8, Col. 1

COVERUP, From A1

lying to the FBI, the grand jury or the Senate Watergate committee.

Frates told the jury, "We are not here to defend the other defendants nor are we here to prosecute them." But he did his best to suggest that Ehrlichman had very little to do with any of them on Watergate. At that point, he produced a chart drawing a sharp distinction between those in charge of the Nixon campaign and the President's men at the White House. Frates emphasized that Mitchell, for one, was a campaign official.

Mitchell's chief lawyer, William G. Hundley, quickly stood up and made clear that Mitchell was quite happy

not to be identified with the White House.

The former Attorney General, who was often considered a rival to Haldeman and Ehrlichman in the Nixon administration, smiled.

Frates said it was not easy for Ehrlichman to make charges against Mr. Nixon, "a man he gave six years of his life to," but as Ehrlichman's lawyer, Frates said, he had to speak out. He emphasized the White House tapes which Ehrlichman was never told about — although both the President and Haldeman were aware of them.

In fact, Frates pointed out, Mr. Nixon told Haldeman in April, 1973, to "be sure John Ehrlichman doesn't know the Oval Office is taped." That

lack of knowledge, he argued, makes Ehrlichman's recorded statements "all the more valid" and believable.

Ehrlichman's lawyer has already summoned the former President as a witness, as have Watergate prosecutors, but Mr. Nixon's lawyer have asked both subpoenas be quashed, claiming that he is too ill to testify. U.S.-District Court Judge John J. Sirica said yesterday that he will conduct a hearing on the issue Thursday after the regular trial session for that day.

Elaborating on Ehrlichman's "forced resignation," Frates said that Mr. Nixon told Ehrlichman at Camp David on April 30, 1973, that he was sorry that he hadn't listened to him about the Watergate case. Frates quoted Mr.

Nixon as saying: " 'John, you've been my conscience, but I didn't follow your advice. It's all my fault. If I had followed your advice, we wouldn't be in this situation.' "

Frates said "the picture became crystal clear" this August, when the former President finally made public transcripts of his June 23, 1972, conversations with Haldeman, a step that led swiftly to Mr. Nixon's resignation. Mr. Nixon apologized around the same time to both his chief Watergate defense lawyer, James D. St. Clair, and to those involved in the House impeachment inquiry for not having told them of the evidence, Frates said.

"But the problem," Ehrlichman's lawyer said "is he couldn't apologize to

this man (Ehrlichman) because it was too late. . . . Here was the President of the United States telling him he didn't know anything about it, that he wasn't involved in a cover-up, when he actually was."

The Ehrlichman defense strategy also included a sharp attack on the credibility of former White House counsel Dean, whose cooperation with government prosecutors and testimony before the Senate Watergate committee last year was a key element in Mr. Nixon's downfall.

Scheduled to be the first government witness today after the completion of opening statements, Dean has accused Ehrlichman, among other things, of telling him to "deep six" incriminating documents found in

Hunt's safe after the Watergate break-in by tossing them into the Potomac River.

Dean has also said that Ehrlichman told him, two days after the break-in, to see to it that Hunt left the country. The boyish-faced White House ex-counsel is expected to testify of a strategy meeting in February, 1973, at California's LaCosta Country Club, when Ehrlichman reportedly suggested ways of raising more money to keep the Watergate burglars from talking.

Frates contended that Dean has simply been blaming Ehrlichman and others for what Dean did ever since April, 1973, when Dean's lawyers began "hard bargaining" with government prosecutors in an effort to win him immunity from prosecution.