

Ehrlichman's Story: I Was Had

Once, in that long-ago summer of the Ervin hearings, he had seemed the ultimate Nixonian—a jut-jawed, acid-tongued courtier defending himself and his ex-chief with memorably high hauteur. But it was a new John Ehrlichman, glum, broke and awash in incriminating evidence, who took the stand in his own behalf last week in the waning days of the Watergate cover-up trial. His old self-assurance crumbled and finally dissolved in tears when he remembered the day the former President had cast him over the side. And his old loyalties were trampled under in his own scramble for salvation—a desperation defense picturing himself as an innocent bystand-

er that Nixon himself had been a party to the cover-up and had “deceived” him along with the rest of America.

Ehrlichman's old cool sustained him through a day and a half of denying a stack of government allegations against him—that he had told John Dean to “deep-six” some incriminating documents, or that he had suggested hustling Watergate conspirator E. Howard Hunt out of the country, or that he had authorized Nixon lawyer Herbert Kalmbach to raise hush money for the original burglary ring. Till the President put him on the case on March 30, he said, all he knew was what he had read in the papers and heard fragmentarily around the office.

He was accordingly, in his own telling, an innocent in Nixonland when Haldeman collected him on April 29, 1973, for a trip to Camp David and broke the news en route that Nixon “had decided I should resign.”

Only in his account of that last confrontation did Ehrlichman's mannered calm desert him. He remembered finding Nixon on the terrace of Aspen Lodge, looking and acting extremely pained. “He broke down at one point and cried,” Ehrlichman testified. “. . . He said he felt that I had been or tried to be his conscience. I replied I hadn't been as effective as I would have liked. He said [that] on reflection my judgment had been correct.” As he had twice before, Nixon mentioned that he had “a large sum of money available to him”—an apparent reference to a six-figure cache of campaign money held for him by C.G. (Bebe) Rebozo—and that he would like Ehrlichman to “share it” if, say, he ever needed to pay attorneys' fees. If Ehrlichman suspected that he too was being offered silence money, he did not say so straight out; he recounted only that he had turned down that tender of help “or anything like it.”

Nixon then asked if there was anything else he could do, and Ehrlichman, his voice suddenly thickening, remembered answering, “At some time I would like him to explain to our children—” He stopped abruptly, reaching for a cup of water and murmuring, “Excuse me.” His face flushed. His eyes flooded. He took off his glasses and wiped them absently on his tie. Judge John J. Sirica offered to recess for ten minutes. Ehrlichman protested at first that he could pull himself together in a moment, then gave up with a faint “I'm sorry” and acceded. He started out the wrong door, till his lawyer, William S. Frates, called him back. Only after the break could he get out the rest of his account: “I [told Nixon] he could



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Ehrlichman in tears: Who deceived whom?

er misled and misused by Richard Nixon.

Ehrlichman thus became the first of the five alleged conspirators to turn openly on their old boss; former Attorney General John Mitchell before him had simply denied all, and onetime Nixon chief of staff H.R. (Bob) Haldeman had rested his case on a choirboy smile and a conspicuously spotty memory. The Ehrlichman version was that, by design and the press of business, he was kept in the dark about Watergate nearly to the end, and that he learned the nasty truth only after Nixon assigned him to do an in-house investigative report in late March and early April of 1973. His counsel throughout, so he swore, was that the White House should disclose rather than suppress the story; he discovered only when he heard the tapes long afterward

explain to our children why he was asking me to leave. That, basically, was the end of the meeting."

It was an affecting moment in an otherwise bumpy passage; Ehrlichman's air of injured innocence took a bad bruising during a long and openly disbelieving cross-examination by prosecutor James F. Neal. He had, for one thing, to acknowledge that he had withheld at least some of what he did know from the FBI, the Watergate grand jury, the White House inner circle—even from Nixon himself. "As I look back on it now and add it all up," Ehrlichman protested at one touchy juncture, "I knew pitifully little . . . I was not in a position to come forward with any facts." But his answers sorted badly with his story that his overriding purpose was to get the truth out, not to bottle it up.

'Charade': The sketchy Watergate "report" he wrote for Nixon served him no better. Ehrlichman defended it as a "middle-of-the-night effort" got up on short order and limited inquiry, and said it was never meant to be exhaustive. But when Frates tried to get it into evidence, Neal attacked it as "a charade . . . a phony . . . one co-conspirator giving a self-serving statement to another co-conspirator." And on cross-examination, he dismissed the document flatly as part of a scenario devised by Nixon and Ehrlichman for use if, in Ehrlichman's own words on one April tape, some corner of the scandal ever came "unstuck."

"As a matter of fact, Mr. Ehrlichman," bristled Neal, "the report you were going to make to the President was something that he could put in his hip pocket and if the truth . . . came out he could say . . . 'Here's something I relied on.'"

"Is that a question or a speech?" Ehrlichman bristled back. "That is a false statement and you know it."

But the pounding continued, and the harder it got, the more directly and deeply Ehrlichman implicated Nixon in a manifest effort to save himself. In his telling, it was Nixon who had proposed dangling veiled offers of a pardon before Dean and clemency for Mitchell and campaign deputy Jeb Stuart Magruder, presumably to hold them in line—and Ehrlichman who resisted on grounds that the suggestion was "off-base." And he testified to having discovered only on the tapes that Nixon had misled him "in at least four major instances"—about having reined in the FBI's Watergate inquiry for political rather than national-security reasons; about having secretly agreed to grant Hunt clemency for his silence; about the gory details Dean spilled in their celebrated meeting of March 21, and about Nixon's suggestion to Mitchell the next day that the whole crowd "stonewall" the Senate investigation. "There is an ample showing in this record," said Ehrlichman, "that I was in fact deceived."

Neal hammered on, at one point charging Ehrlichman with having in fact deceived the President, at another wondering caustically whether he had been merely a "silent listener" to a conspiracy in which everyone else around him was actively engaged. Toward the end, he read from an April 1973 transcript in which Ehrlichman, in conversation with the President, proposed the kind of defense he would use if he were in Dean's shoes—that he had been manipulated by others for their own corrupt motives.

"As a matter of fact," said Neal, "that

is exactly what you are saying today—that you were manipulated by Mr. Nixon, who had a corrupt motive."

"No," Ehrlichman retorted hotly, "my defense is that I'm innocent . . ."

Neal asked again whether he wasn't laying the blame off on Nixon.

"That certainly is where the truth seems to lead us in this case," said Ehrlichman, "but that is not my defense."

Shadow: The next defendant to the stand was Nixon's 1972 campaign counsel, Robert C. Mardian, 51, who stood charged with a spear-carrier's role in the earliest days of the cover-up in June and July 1972. He roundly denied any involvement at all, and portrayed himself, too, as a bystander—a luckless pro cast up among the amateurs at the Committee for the Re-election of the President. But in the process, he cast a further shadow of suspicion on Nixon's persistent claim that he took no active managerial role in his own campaign. It struck Mardian early on in his CRP career, he said, that Mitchell—nominally the boss—was being overruled in key decisions. Sirica asked who ran the show. "I believed it was President Nixon," Mardian replied. ". . . I didn't know anyone in government . . . who could overrule John Mitchell except the President."

Mardian's defense, and CRP lawyer Kenneth Parkinson's, are likely to consume much of this week; the ensuing summations, and Sirica's charge to the jurors, will probably be long and knotty, in direct ratio to the complexity of the case. But the guessing was that the jury would take the case and decide it between the holidays—a Christmas gift for a group of men who, as troubles go, have everything.