

# Ehrlichman Is Innocent, Trial Told

12/27/74  
By George Lardner Jr.  
Washington Post Staff Writer

Former White House aide John D. Ehrlichman was portrayed yesterday as the innocent "square" of the Watergate cover-up whom President Nixon callously abandoned when the scandal got too close to the Oval Office.

Winding up his final summation at the cover-up trial there, Ehrlichman's chief defense counsel, William S. Frates, charged that Nixon threw Ehrlichman "to the wolves" in late April of 1973 without giving him a hint of the extent of the President's own involvement.

"He really didn't think Nixon was involved," Frates insisted of a final series of presidential meetings that ended with a request for Ehrlichman's resignation.

"Here's this loyal dedicated servant trying to clear his commander-in-chief regardless of who got hurt and here's the commander-in-chief sitting in his office, knowing all the time who was calling the shots."

Lawyers for former Nixon re-election committee aides Robert C. Mardian and Kenneth Wells Parkinson also protested their clients' innocence at a prolonged session that lasted past nightfall.

U.S. District Court Judge John J. Sirica had set the long hours, expressing determination to turn the case over to the jurors before the weekend, but finally gave up in the face of the defense lawyers' long arguments.

Instead, Sirica said he would let the summations continue through today—with the government getting the last word—and then wait until Monday before giving the jury his final instructions and sending them out to deliberate over a verdict.

Setting a defense record for brevity, Mardian's lawyer, Thomas Green, began and fin-

## TRIAL, From A1

ished his summation yesterday afternoon, maintaining vigorously that Mardian's indictment had been built solely on the recollections of government witnesses who had been contested on every point.

"You don't have to lie to wreak havoc in a courtroom," Green protested. "All you have to have is a bad memory."

Watergate prosecutors, Green contended, had simply made a mistake in securing Mardian's indictment on a single conspiracy charge along with that of the four other defendants who, unlike Mardian, were charged with other offenses as well.

Around the turn of the century, the 33-year-old defense lawyer said, "Lord Acton wrote, 'There is no error so great that it fails to find defenders among able men.'"

"It was an error to include Robert Mardian in this case," Green submitted. "It's up to you," he told the jurors, "to terminate that error." He maintained that Mardian acted properly throughout his emergency duty as a lawyer for the Committee for the Re-Election of the President in the summer of 1972 until he demanded and got another assignment.

Parkinson's lawyer, Jacob Stein, had barely started his summation when Judge Sirica reluctantly ended the session for the day. Hired to represent the Nixon re-election committee against litigation stemming from the June 16, 1972, Watergate break-in and bugging, Parkinson allegedly joined the cover-up in slow stages, eventually winding up as a middleman for hush money messages to and from

the original Watergate defendants.

Describing Parkinson as an apolitical Washington lawyer with no ax to grind, Stein charged that the prosecution had failed to show even a motive for his client's alleged participation in the cover-up effort.

Ehrlichman's lawyer, who began his summation Monday before a two-day Christmas re-

cess, occupied the lectern for most of yesterday's session with a steady series of accusations against the former President.

Alluding to the tape recording of an April 26, 1973, conversation between Nixon and former White House chief of staff H. R. (Bob) Haldeman, Frates protested that the recording system installed on the President's instruction was

kept a secret even from Ehrlichman, the next highest-ranking staff official in the White House hierarchy.

According to a transcript of that conversation, which was not played to the jurors during the trial, Nixon told Haldeman at one point not to tell Ehrlichman about the recording setup.

Paraphrasing the remarks with a booming Dixie accent, Frates said the President's instructions were, in effect:

"Don't tell John about it. John's a square. He wants to reveal it [the truth] and my God, if we reveal it, we're caught."

The transcript itself showed Nixon telling Haldeman: "I, I don't think it should ever get out that we taped this office, Bob."

The then-President voiced special concern over the recording of an incriminating March 21, 1973, meeting he had with White House Counsel John W. Dean III.

"I just don't want that tape, for example—I don't want you to, I don't want you to disclose that to Ehrlichman or anybody else . . ." Nixon added at the meeting with his chief of staff.

Haldeman then indicated that he had already told Ehrlichman that the Dean conversation had been taped. Frates, however, declared that his client never realized that all conversations in the President's offices were automatically taped until shortly before the system was publicly disclosed in the summer of 1973 at hearings before the Senate Watergate committee.

Instead of participating in the cover-up conspiracy, Ehrlichman, Frates asserted, had always advocated a "full disclosure" of all the facts in the scandal, never realizing that he was effectively asking the President to incriminate him-



self.

"Certainly John Dean and the President of the United States knew all of that and were using him as a pawn," Frates maintained. He offered as examples Nixon's telling Dean on one occasion what a "great job" he was doing in containing the scandal and the president's telling former Attorney General John N. Mitchell at another point to "stonewall it."

In both instances, Frates declared, "John Ehrlichman had just left the room."

The 49-year-old Ehrlichman has been accused of much deeper involvement in the scandal, from giving orders to get Watergate spy E. Howard Hunt Jr. out of the country to approval of secret fund-raising efforts and veiled offers of executive clemency for Hunt and other original Watergate defendants.



Associated Press

Attorneys William S. Frates, left and cover-up trial defendant John D. Ehrlichman, arrive at U.S. District Court.