

Ehrlichman Puts Blame on Nixon

Ex-Adviser Claims He Was 'Used'

Washington

John D. Ehrlichman opened his defense at the Watergate coverup trial yesterday by placing the blame for the coverup and for his own disputed actions squarely upon former President Nixon.

The former presidential adviser told the jury, through his lawyer, William S. Frates, that Mr. Nixon had covered up the Watergate affair "to save his own neck."

Frates also told the jury that Ehrlichman had been "had" by Mr. Nixon.

"It's not easy for John Ehrlichman to make charges against a man he gave six years of his life to," Frates said in a long and often impassioned opening statement to the jury of nine women and three men.

Frates said he was telling the jury for Ehrlichman what the "facts" were: "Richard Nixon deceived, misled, lied to and used John Ehrlichman to cover up his own knowledge and actions."

Frates said Ehrlichman had repeatedly urged Mr. Nixon to disclose the facts about Watergate, "as known to Mr. Ehrlichman," starting soon after the break-in at the Democratic headquarters on June 17, 1972, and continuing for months.

"Over and over again," Frates said, Mr. Nixon, "who had the full story," withheld it from Ehrlichman

and "prevented" Ehrlichman's recommendations for disclosure.

Frates, a Miami lawyer who has represented one of Mr. Nixon's closest friends, Charles G. Rebozo, sought to prove his point by quoting from a variety of presidential conversations, some pre-

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viously disclosed, others not.

"John," he quoted Mr. Nixon as saying to Ehrlichman on April 30, 1973, "you have 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."

April 30 was the day Ehrlichman and one of his four co-defendants in the case, H. R. Haldeman, resigned as Mr. Nixon's chief White House advisers.

Frates, his voice sometimes rising to a shout, also attacked the credibility of John W. Dean III, the President's former counsel, now the President's chief accuser, and, according to Frates, the source of most of the prosecution's allegations about Ehrlichman.

He gave his opening statement a day after Richard Ben-Veniste gave the prosecution's statement of the evidence it intended to present against Ehrlichman, Haldeman and the three others charged in the coverup conspiracy — Robert C. Mardian, a former assistant attorney general and political coordinator for the Committee for the Re-Election of the President; Kenneth W. Parkinson, an attorney hired by the committee after the break-in, and John N. Mitchell, the former attorney general who headed the 1972

Nixon re-election effort.

Mardian, through his attorney, also opened his defense yesterday.

He took a quite different tack, saying that he was actually "peripheral" to the case, and that the government had no business putting him in it.

His lawyer, David G. Bress, told the jury that Mardian was "dragged in at the tail end of an extensive conspiracy indictment." In an even longer and sometimes as angry and intense a statement as Frates', Bress pointed out that the indictment referred to Mardian only a few times. Then, in great detail, Bress gave the jury an item-by-item rebuttal of what the indictment alleged.

Jacob A. Stein, lawyer for Parkinson, is to give an opening statement this morning. William G. Hundley and Plato Cacheris, attorneys for Mitchell, and John J. Wilson and Frank H. Strickler, attorneys for Haldeman, have chosen to give their opening statements after the prosecution has presented its evidence.

Prosecution lawyers objected a number of times to defense statements, mostly contending that the defense counsel were "arguing law" to the jury.

U.S. District Judge John J. Sirica raised some objections of his own, as when Frates told the jurors that they are deciding whether

Ehrlichman goes to jail. The judge said that this improperly raised the issue of sentencing.

But, generally, he brushed aside the prosecution complaints. Ben-Veniste, he said, did some "arguing" of his own on Monday.

Beyond that, the judge

told the lawyers it is important that the jurors get all the information they can.

"Let the truth come out once and for all in this matter," he said.

Sirica presided over the original Watergate trial in January, 1973, stemming from the prosecution of the five men caught in the Democratic National Headquarters in the Watergate complex and two other men working directly with the burglars on the scheme.

Various witnesses allegedly perjured themselves at the first trial, and that perjury is one of the elements of the coverup conspiracy with which the defendants in this case are charged.

"There's never been a case like this in the history of the country," Sirica told the attorneys and others jammed into his courtroom yesterday, quickly adding, with lawyer-like caution, "or at least in this jurisdiction."

This time, he went on, the truth "will come out — I think."

One of the central questions in the case is the role that Mr. Nixon played in the conspiracy.

Mr. Nixon is not a defendant for two reasons: first, when the grand jury returned the indictment last March 1, Mr. Nixon was still in office; special prosecutor Leon Jaworski told the grand jury that there were vast legal doubts as to the indictability of an incumbent president, and the jury thus named him an unindicted co-conspirator.

Then, after Mr. Nixon resigned and became vulnerable to prosecution, President Ford pardoned him.

On Monday, Ben-Veniste portrayed Mr. Nixon to the jury as a major conspirator in the coverup, particularly in its latter stages. Quoting from a series of White House transcripts, a number of them not previously disclosed, he said that Mr. Nixon, Haldeman and Ehrlichman had held a number of meetings in April, 1973, to devise "scenarios" to deal with the then-collapsing coverup.

Yesterday, Frates gave a markedly different picture. He said that during those April conversations, Ehrlichman still did not know the full truth about Water-

gate; he said too that Ben-Veniste had taken some of Ehrlichman's comments in those conversations "out of context."

Frates also quoted from various other portions of

these conversations — citing both alleged statements by Ehrlichman that the White House should "let it all come out," and statements by other White House officials remarking that Ehrlichman was arguing for dis-

closure.

Indeed, Frates said, "the tapes may do some people some harm but they're the greatest thing that ever happened to John Ehrlichman."

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