

Ehrlichman Describes

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John D. Ehrlichman choked up and cried on the witness stand yesterday as he told of the painful day last year when then-President Nixon asked for his resignation.

He said Nixon told him he had been the President's conscience in the Watergate scandal and offered him attorneys' fees or anything else that Ehrlichman

wanted to make the crisis easier to bear.

"I said sometime I would like him to explain to our children . . ." the former White House aide testified at the Watergate cover-up trial here before breaking down.

Tears welled up in Ehrlichman's eyes as he tried to finish the sentence. He took his glasses off and wiped them on his necktie. His face grew red.

"Excuse me," he mur-

mured, rocking forward in his chair, struggling to regain some composure. He sipped from a glass of water, but all he could manage was to say "Excuse me" again in a louder voice.

U.S. District Court Judge John J. Sirica then gently ordered a recess, over Ehrlichman's weak protests that it would take only a moment for him to pull himself together again. The emotional scene came near the end of a long round of testimony at

which Ehrlichman portrayed himself as an innocent bystander in the Watergate scandal who vainly urged a full disclosure before it was too late.

The once-powerful White House adviser said his efforts ended on April 29, 1973, when he was summoned to the presidential retreat at Camp David. Ehrlichman said then-White House chief of staff H. R. (Bob) Haldeman told him on their way up together that

Emotional Resignation

the President had decided I should resign."

Now on trial on charges of conspiracy, obstruction of justice and lying to the Watergate grand jury, Ehrlichman said he found Nixon waiting on the terrace of the presidential lodge, but they soon moved inside.

"He said, in substance, that this was a very painful conversation for him," Ehrlichman recalled. He said Nixon himself "broke down at one point and cried."

"He was obviously very emotionally upset," the 49-year-old defendant emphasized, adding that Nixon told him "he regretted very much having to take this step."

The President "said he felt I had been, or tried to be, his conscience," Ehrlichman continued, testifying in slow, deliberate tones.

"I said I hadn't been as effective as I would have liked. He said, on reflection,

that my judgment had been correct."

According to Ehrlichman, Nixon then offered once again to pick up his legal fees.

It was a suggestion that the President had made twice before in the face of disclosures to government prosecutors that White House Counsel John W. Dean III and others involved in the scandal were

See TRIAL, A12, Col. 1



JOHN D. EHRLICHMAN
... overcome on stand

TRIAL, From A1

starting to make. Nixon had said that \$200,000 to \$300,000 was available in a secret cash fund maintained by the President's closest friend, C. G. (Bebe) Rebozo—apparently for favors to steady political contributors.

This time, Ehrlichman related, the President simply told him "he'd like to help me with attorneys' fees if attorneys' fees were necessary—that he had a large sum of money available to him and he would like to have me share it."

"I told him I could not accept that offer or anything like it," Ehrlichman declared.

"He asked me if there were anything else he could do for me," Ehrlichman said in a halting voice. He got only a few words further before choking up on the thought of what his five children would think.

Excused from the courtroom for a 20-minute recess, Ehrlichman stood up, apparently still distracted, and started to walk out a back

door reserved for the jurors. His wife, Jeanne, watched from a front row as his chief attorney, William S. Frates, called him back and pointed to the appropriate side door exit.

Back on the witness stand after the break, Ehrlichman insisted on finishing the account in a few short, antipathetic sentences.

"It's important to me," he told Frates, who had started to skip to another subject. "I said he (Nixon) could explain to our children why he was asking me to leave. That, basically, was the end of the meeting."

The courtroom episode capped Ehrlichman's repeated disclaimers throughout the day of any criminal intent in the alleged cover-up conspiracy. At one point, he implied that Nixon misled him, but his testimony fell far short of his lawyer's sharply worded denunciations of the former President when the trial began in October.

Frates had charged then that Nixon "deceived, mis-

led, lied to and used John Ehrlichman" about the cover-up in order "to save his own neck."

Ehrlichman was much

more gentle than his lawyer. He approached direct criticism only once—during testimony about the issue of clemency for the original Watergate defendants.

The former White House domestic adviser said yesterday that Nixon had assured him during a stroll along the beach at San Clemente in the summer of 1972 that he would never entertain clemency for the Watergate burglars.

Ehrlichman asserted that it was not until he listened to the White House tapes that he learned the President secretly planned with White House special counsel Charles W. Colson in January of 1973 to grant clemency to Watergate spy E. Howard Hunt Jr.

The statement conflicted sharply with the testimony of Dean, and to some extent of Colson, who both had said Ehrlichman had figured prominently in backstage maneuvering with Hunt's

lawyer in the effort "to keep Mr. Hunt happy?"

Ehrlichman, however, said he warned the President against any consideration of clemency shortly after the Watergate burglars were arrested at Democratic National Committee headquarters here on June 17, 1972.

The tall, balding defendant said he raised the issue with Nixon on July 8, 1972, when they took a walk on the beach together near the Western White House.

Ehrlichman said he assumed at the time that the Watergate bugging had been carried out in furtherance of "the President's candidacy" that year because one of the arrested men, James W. McCord Jr., had been security chief at the Committee for the Re-Election of the President.

In any event, Ehrlichman said he told Nixon that "I thought there would be a foreseeable time when someone would want to discuss the subject of clemency for these people who were evidently on an errand of some kind for the Committee to Re-Elect."

"It was my fear, expressed

to the President at that time," Ehrlichman added, "that if he so much as talked to someone about clemency, much less granted it, whatever that person did would be imputed to the President."

Nixon, the jurors were told, felt the same way. "We

agreed he would never entertain a conversation on this subject with anybody for those reasons," Ehrlichman declared.

The witness said Nixon did make "some oblique references" in the spring of 1973 to discussions of clemency for Hunt that the President had held with Colson but Ehrlichman indicated that he remained unaware of the extent of these conversations.

"Did you learn after listening to the tapes that the President was telling you one thing about clemency and Mr. Colson something else?" Frates asked him.

"Well, if you compare what he told me with what's on the tapes," Ehrlichman replied, "they're very different, yes."

Ehrlichman admitted that the President did indicate to him in the spring of 1973 that "at the end of his second term, he would propose to pardon everyone involved in the Watergate affair," but the ex-White House aide insisted that this was strictly "a compassion proposition."

"I said 'amen,'" Ehrlichman declared. "This was not

to be in exchange for their silence"

According to an excerpt from a White House tape made public at the trial for the first time last month, Nixon told Ehrlichman and Haldeman at a meeting on April 14, 1973: "... Before I leave office ... they'll get off. You get them full pardons. That's what they have to have, John? ... Do you agree?"

"Yep, I sure do," Ehrlichman replied.

According to Dean's testimony, Ehrlichman also played a key role in Colson's veiled assurances of clem-

ency in January of 1973 to Hunt's lawyer, William O. Bittman.

Dean said Colson had reported to both him and Ehrlichman on Jan. 3, 1973, that Hunt planned to plead guilty at the original Watergate trial, but not "without some assurances that he wasn't going to go to jail for life."

Ehrlichman, Dean testified, told Colson to wait until Ehrlichman took it up

with the President. The former White House counsel said, Ehrlichman told him the next day, Jan. 4, that he was going to go back to Col-

son and "tell him to give some general assurances to Mr. Hunt."

In turn, Dean said, Colson came back to him and Ehrlichman on the afternoon of Jan. 5. According to Dean, Colson reported how he had told Hunt's lawyer: "You can tell Mr. Hunt that a year is a long time and clemency is generally granted around Christmas-time."

Colson gave a much vaguer account in his appearance on the witness stand last week, but he confirmed that he had spoken with Hunt's lawyer at Ehrlichman's behest. Colson also said Ehrlichman responded, "Good, good, that's very good," when Colson reported back on the oblique assurances he gave "to keep Mr. Hunt happy."

Judge Sirica opened yesterday's session by admitting into evidence a controversial, hand-written report on the Watergate scandal that Ehrlichman said he gave Nixon on Apr. 14, 1973.

Watergate prosecutors had denounced it as a transparent attempt to make the White House look good and put the blame for the scandal on former Attorney General John N. Mitchell and various Nixon campaign advisers.

Lawyers for Mitchell objected sharply to introduction of the document, but Judge Sirica upheld its admissibility after approving the deletion of a number of references to the former Attorney General and two of the other defendants, Robert C. Mardian and Kenneth Wells Parkinson.

Speaking for Ehrlichman, defense lawyer Frates insisted that the report had been "a good-faith" effort by Ehrlichman to tell the President what he had learned and been told of the scandal as a sort of emergency investigator for Nixon.

Insisting that he had always advocated full disclosure, Ehrlichman said he proposed to the President and others as early as the summer of 1972 a series of public statements about the scandal.

He said he believed his stand was what led to Nixon's Aug. 29, 1972, news conference on the Watergate affair, but Ehrlichman added, "the thing I never could sell was a corresponding statement from the Committee to Re-Elect the President about what the facts were there."

The President claimed at the news conference that "investigation" by White House Counsel Dean "indicates that no one in the White House staff, no one in the Administration, presently employed, was involved in this very bizarre incident."

Under questioning by his own lawyer for the entire day, Ehrlichman did not mention the actual remarks the President made to the press that day. The former White House domestic adviser declared, however, that as he found out "more and more" about the scandal in the spring of 1973, he began to advocate sending all potential witnesses, including White House staffers, before the Watergate grand jury without any protective cloaks of immunity.

"Did you recommend to the President to make a full disclosure of all the facts to the proper authorities?" Frates asked him in the final question of the day.

"Beginning in the summer of 1972," Ehrlichman replied, "I not only recommended there be a full disclosure to the authorities, but that there be a public disclosure."