

Getting Out What Truth?

Persistently, almost rhythmically, the prosecutor repeated the question. Soon, everyone in the courtroom, including the pained witness, could anticipate it. For some, the impulse to join in the refrain was difficult to resist. In his deceptively soft Tennessee drawl, Chief Prosecutor James Neal would ask: "Now, you wanted to get the truth out, Mr. Ehrlichman?" That has been Defendant John Ehrlichman's claim in the Watergate conspiracy trial. But with searing effect, Neal shredded that defense by repeatedly showing how much Ehrlichman had known about the cover-up and how little he had disclosed to investigators.

It had long seemed obvious that it would have been suicidal for such articulate and once influential men as the five defendants to fail to testify in their own defense. Yet Ehrlichman discovered last week, as had the hapless John Mitchell and H.R. Haldeman before him, that exposure to the prosecution's cross-examination was equally hazardous. Unlike Mitchell, who stubbornly denied his own participation in the cover-up, and Haldeman, who could not seem to recall that there ever was such a conspiracy, Ehrlichman's strategy, in effect, was to contend that he had been "deceived" by former President Nixon into taking part, and had no criminal intent of his own.

Ehrlichman survived his ordeal in slightly better shape than had either Mitchell or Haldeman, mainly because he did not try to evade the implications of Nixon's taped words. He conceded that Nixon had wanted him to prepare a report on Watergate that was "less than the truth," and had asked him to take on other "improper" tasks. As for tapes that also incriminated Ehrlichman, he had ingenuous explanations. When he said "uh hum" or "yeah, yeah" to Nixon on the tapes, for example, he was "fending" Nixon off about cover-up acts, not expressing agreement. Moreover, he claimed that he had held exonerating conversations with Nixon that were not recorded, such as while they "walked to the barbershop."

Very Painful. Ehrlichman's story did not stand up under Neal's grilling, although Ehrlichman may have elicited some sympathy from the jury earlier in an emotional recitation of his final days in the Nixon Administration. On questioning by his lawyer, William Frates, Ehrlichman recalled being summoned to Camp David on the afternoon of April

29, 1973. There, on a cabin porch, Nixon told him he must resign. Ehrlichman said Nixon found this chore "very painful" and even "broke down at one point and cried." Nixon offered him money for legal fees and "anything else he could do for me." All Ehrlichman wanted, he testified, was for Nixon some day "to explain to our children" why he had to resign.

At that point, the husky Ehrlichman's voice choked. He began to weep. "Excuse me," he said, sipping water from a cup. "Would you like a little recess?" gently asked Federal Judge John J. Sirica. Ehrlichman tried to continue, but Sirica raised both hands to stop him and ordered a 15-minute break. Confused, Ehrlichman walked toward the judge's exit until directed by Frates to a side door. Ehrlichman's wife Jeanne sat stoically in a second-row seat, her eyes not meeting her husband's. None of their five children were present.

Trigger Mind. Back on the stand the next day, Ehrlichman was composed as Neal fired questions, but his answers were often evasive or damaging. He grudgingly admitted that he had known as early as July 1972 that cash was being dropped for the Watergate burglars in phone booths—although he had testified only the day before that he had only discovered this from Senate Watergate testimony. As the you-wanted-to-get-the-truth-out litany proceeded, Ehrlichman had to admit he had not even told Nixon of his early awareness of the cash payments, had not told the FBI that Burglar G. Gordon Liddy had sought then Attorney General Richard Kleindienst's help on June 17, 1972, in getting Burglar James McCord out of jail, or told FBI agents that he suspected the Nixon re-election committee might have been involved in the bugging.

Sirica interrupted to ask: "Wouldn't this have been a good opportunity to get the facts out—during the FBI interview?" Ehrlichman lamely contended that he assumed the Department of Justice already knew more than he did. Asked Neal sarcastically: "Why didn't you take a chance and tell them anyway?" As Neal pounced on the contradictions in Ehrlichman's testimony, two of the normally impassive jurors smiled, apparently in appreciation of Neal's pinpointed attack. At one point, Sirica cautioned: "Mr. Neal, slow down. Your mind is working like a trigger."

Ehrlichman also denied that he had ever told confessed Conspirator John Dean to "deep-six" a briefcase containing some electronic gear found in Burglar E. Howard Hunt's White House safe. But he could not explain why he did not even tell the Watergate grand jury that this equipment had been found. Instead, according to Neal, Ehrlichman had answered "I don't recall" to 125 questions before the grand jury.

Again came Neal's mocking question: "Now, you wanted to get the truth out, Mr. Ehrlichman?"

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