

Ehrlichman 'Set Up' Bared

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John D. Ehrlichman arranged to tape record a "set up" fact-finding meeting with a Nixon campaign lawyer last year so that Ehrlichman could "register great surprise" at "all the gruesome facts" of the Watergate cover-up, according to a confidential memorandum obtained by The Washington Post.

This characterization of the April 5, 1973, meeting between Ehrlichman, then a top White House aide, and Paul O'Brien, an attorney for the Committee for the Re-election of the President, at San Clemente, Calif., is included in a 10-page memorandum of the recollections of another Nixon campaign lawyer, Kenneth W. Parkinson.

Parkinson related his recollections of the Watergate affair on June 29, 1973, to another lawyer, Plato Cacheris, who wrote the confidential memo obtained by The Post.

Cacheris is a defense attorney for former Attorney General John N. Mitchell in the Watergate cover-up case. Mitchell, Parkinson and Ehrlichman are among the defendants in that criminal case, now scheduled to come to trial this September. Cacheris interviewed Parkinson to gather information for Mitchell's defense.

Ehrlichman, in testimony before the Senate Watergate committee, had characterized his April, 1973, San Clemente meeting with Nixon campaign lawyer O'Brien as a fact-finding interview. Ehrlichman testified that it was part of a brief inquiry he made of Watergate at President Nixon's request.

Ehrlichman's Senate testimony and the voluminous hand-written notes of the O'Brien meeting that he turned over to the Senate committee indicated that Ehrlichman was learning for the first time much of what O'Brien told him in April.

However, the transcripts of taped White House Watergate conversations released to the public this year show that, at the time of his meeting with O'Brien, Ehrlichman had already been informed about much of the Watergate cover-up.

According to Senate Watergate committee testi-

mony, O'Brien had requested the San Clemente meeting because he believed President Nixon's top aides were still unaware of his suspicions about the cover-up and that he had a duty to inform them. He was first scheduled to meet with then White House chief of staff H. R. Haldeman, but Ehrlichman was substituted about three days before the meeting took place.

However, according to a part of the Cacheris memo that dealt with the Ehrlichman-O'Brien meeting:

"Parkinson explains that O'Brien was to be sent there to relate all the gruesome facts, that Ehrlichman would record it and register great surprise. Parkinson believes that the tape is garbled, but that Ehrlichman has made some sort of a doctored memo."

No "doctored memo" has come to light and Ehrlichman has not given government investigators any tape recording of the meeting with O'Brien.

But, although O'Brien has told investigators in secret testimony that Ehrlichman took very few notes during their meeting, according to informants, the notes Ehrlichman turned over to the Senate Watergate committee totalled 11 pages. According to investigative sources, this suggests that the conversation was recorded.

Ehrlichman testified before the Senate committee that he was turning over his notes of his meeting with O'Brien "at the President's specific instance."

He told the committee, "these notes were not included in the President's papers, unlike my other notes, at the President's specific instance, in order that they could be available to the Attorney General and the prosecutors as source material and, of course, the committee."

The Watergate cover-up indictment itself reflected a prosecutorial theory of the case that Ehrlichman's inquiry was actually part of the cover-up.

Sources involved in the Watergate investigation said that the Parkinson-Cacheris memo was described and read to them by a reporter seemed to cast serious doubt on the legitimacy of Ehrlichman's inquiry.

Two sources said this week that the memorandum provided the first indication from one of the defendants in the Watergate cover-up case that Ehrlichman's inquiry was an apparent attempt to provide a documented record that he was learning of the cover-up for the first time in April, 1973.

Ehrlichman's defense lawyer, William S. Frates, said Monday that neither he nor Ehrlichman would have any comment on the Parkinson-Cacheris account of Ehrlichman's meeting with O'Brien.

Ehrlichman has previously defended the legitimacy of his spring, 1973, Watergate inquiry. He has, along with the other defendants, pleaded innocent in the Watergate cover-up case.

Jacob Stein, Parkinson's defense attorney, said this week that Parkinson was simply "speculating" to Cacheris about the Ehrlichman-O'Brien meeting and had based his speculation on Senate Watergate committee testimony by former White House counsel John W. Dean III. Dean had testified that he thought "O'Brien was being set up."

But Dean did not describe the "set up" in detail and said nothing about Ehrlichman registering surprise, recording the conversation or possibly doctoring a memo, as alleged in the Parkinson-Cacheris memo. The memo was prepared on the last day of Dean's June, 1973, Senate testimony.

Stein also stated strong objections to newspaper publication of confidential communications that his client, Parkinson, had with Cacheris, a lawyer for a co-defendant in the cover-up case. "I'm very concerned about the use of this memo," Stein said. "It's unfair to use it."

Cacheris said there is "no question of the substantive accuracy" of what he wrote about Parkinson's recollections in the memo. He said he is sure that Parkinson was not part of any alleged "set up" of O'Brien. The memo does not indicate, however, how Parkinson may have learned about the alleged "set up."

The existence of the Parkinson-Cacheris memo is apparently not known to either the Office of the Special Watergate Prosecutor of the House Judiciary Committee staff. It is normal for

attorneys for codefendants in criminal cases to exchange information on a strictly confidential basis. But such information is not usually made available to government investigators because it might incriminate one of the defendants.

Parkinson was hired by the Nixon campaign committee following the Watergate break-in to defend the committee against the civil law suit by the Democrats. Parkinson dealt extensively with top campaign officials and supervised their sworn testimony in depositions.

In the Watergate cover-up indictment, the grand jury named Parkinson in three of the 45 overt acts allegedly part of the conspiracy. The indictment charged that Parkinson had knowledge of "hush money" payments made to Watergate break-in conspirators and that he was present at a July, 1972, meeting in which Mitchell allegedly advised Dean to obtain FBI reports of the original Watergate investigation.

The 10-page Cacheris memo also said that Parkinson grew increasingly suspicious of some kind of Watergate cover-up in the weeks immediately following the June 17, 1972, Watergate break-in.

There are 23 separate numbered paragraphs in the memo that include the following indications of Parkinson's knowledge and suspicion.

On June 29, 1972, Parkinson discussed the firing of Nixon committee aide G. Gordon Liddy, who had refused to answer FBI questions, according to the Cacheris memo. Included in that discussion was former Assistant Attorney General Robert Mardian, who was a Nixon committee aide and is also under indictment in the Watergate cover-up. The memo said that "Parkinson found it strange that Mardian wanted Liddy to have severance pay."

On July 13, Parkinson said that, concerning involvement in Watergate, deputy Nixon campaign manager Jeb Stuart Magruder "mentioned Dean, Haldeman, Colson, (Gordon) Strachan, and Mitchell. Magruder further said you must understand the White House atmosphere on these things. Parkinson said he was staggered."