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EHRLICHMAN SAYS NIXON IS TO BLAME FOR THE COVER-UP

Defendant Asserts He Was Kept in Dark About the Facts of Watergate

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WASHINGTON, Dec. 9—John D. Ehrlichman took the stand in his own defense today at the Watergate cover-up trial, a defense that sought to shift the blame to former President Richard M. Nixon.

Mr. Ehrlichman was interrupted after less than two hours of testimony, however, by a heated legal argument in which the chief prosecutor, James F. Neal, accused him of participating in a "charade" with Mr. Nixon.

Mr. Neal charged that Mr. Ehrlichman had written a "phony report" on Watergate for Mr. Nixon to use in April, 1973, in explaining Watergate to the public.

He said that the report, which Mr. Ehrlichman contends was written on April 13, 1973, contained only a fraction of the information that Mr. Nixon received three weeks earlier, on March 21, from another Nixon aide, John W. Dean 3d.

Jury Not Present

"It was one co-conspirator giving a statement to another co-conspirator so they could rely on it," Mr. Neal said.

It was the "ultimate" in the scheme to "draw the wagons around the White House," by placing the blame for Watergate on people outside the White House, he added.

The argument took place out of the presence of the jury, but with Mr. Ehrlichman, who shook his head from time to time as the prosecutor spoke, still on the witness stand.

Technically, it was an argument over whether two documents, the eight-page report in question and a second, briefer report, were admissible as evidence.

Tells of Assignment

Mr. Ehrlichman's chief defense attorney, William S. Frates, argued that both documents should be shown to the jury as part of the proof of Mr. Ehrlichman's contention that he had sought to find out the truth about Watergate for Mr. Nixon and that he had then urged Mr. Nixon to get the truth out.

Mr. Ehrlichman, under questioning by Judge John J. Sirica, said that he wrote the report at home on the night of April 13 after interviewing various persons for the previous 10 days.

Mr. Ehrlichman told the jury earlier in the afternoon that Mr. Nixon instructed him at the end of March, 1973, to put himself "in a position" to advise Mr. Nixon on Watergate matters on

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both the "underlying law" and "the facts."

According to Mr. Ehrlichman, who was Mr. Nixon's chief domestic affairs adviser, Mr. Nixon gave him this assignment after it became apparent that Mr. Dean—who had previously been in charge of finding out about Watergate for Mr. Nixon—was too deeply involved to do so.

The Ehrlichman defense is thus that Mr. Ehrlichman wrote the report as part of his assignment and as part of a sincere effort to inform Mr. Nixon.

The argument on admissibil- with Judge Sirica reserving decision.

Lawyers for three of the other defendants, John N. Mitchell, Robert C. Mardian and Kenneth Wells Parkinson, all objected to admitting the reports.

The second report was on an interview that Mr. Ehrlichman had with Paul O'Brien, a lawyer for the Nixon re-election committee. The objecting lawyers contended that the two reports contained inaccurate information damaging to their clients.

Mr. Neal said that as far as the Government was concerned, he did not object to the introduction of the report because the White House tapes played at the trial showed it to be false and part of the "charade," but that he did see the problems it would present for some of the defendants.

Although the jury may not see the report, it is now a matter of public record—along with the lawyers' comments.

Essentially, the report is a summary or mention of some of the events that have been reported at the trial—the meetings at which intelligence-gathering plans were originally discussed, for instance, and the raising of money for the seven men who participated in the burglary of Democratic headquarters at the Watergate complex on June 17, 1972.

Mr. Neal said that it contained much less information than did the oral report that Mr. Dean gave to Mr. Nixon on March 21.

The prosecutor also said that it contained incomplete information about events that Mr. Ehrlichman had been shown to have had information about.

Mr. Ehrlichman testified today that he talked to Herbert W. Kalmbach, Mr. Nixon's personal lawyer, in the summer of 1972 about raising money for the seven original Watergate defendants. Mr. Ehrlichman's account on the witness stand was different from the account that Mr. Kalmbach gave. Mr. Ehrlichman described the conversation between the two as far more limited than Mr. Kalmbach had, but it did show Mr. Ehrlichman's knowledge.

The eight-page report, however, purportedly written months after that conversation, says, Mr. Kalmbach "may have helped."

Uncertainty Expressed

Mr. Ehrlichman also testified today that he learned in March, 1973, of the existence of a $350,000 cash fund controlled by H. R. Haldeman, Mr. Nixon's chief of staff, from which money had been taken for the Watergate defendants.

The report, however, Mr. Neal said, contains "not one mention of the $350,000."

The report expresses uncertainty or lack of knowledge in some places. It says at one point, for instance, "Since so much of this is hearsay, I cannot vouch for its ultimate truth."

One sentence in the report lists several names, including those of Mr. Mitchell, Mr. Mardian and Mr. Parkinson, as "given to me as names of participants in this effort." The sentence concludes thus, "But I cannot say whether this is factual. I have not tried to get far into the aspect."

Judge Sirica, after listening to Mr. Neal's comments on the report, asked Mr. Ehrlichman how much time he had taken to prepare to it. The Defendant said that he ha dspent a couple of hours writing it, after 10 days of interviews.

"It was by no means an exhaustive investigation," he added.

The jury has already heard the tape recording of a Nixon-Ehrlichman conversation on April 14, 1973, in which they discuss much of the same material that is in the written report and mention the word "report."

The prosecutor's position is that the two men were discussing a "scenario" that they could follow to explain Watergate, and that Mr. Nixon could make statements about Watergate and say they were based on Mr. Ehrlichman's report. The Ehrlichman position is that he was in fact reporting to Mr. Nixon about Watergate.

The existence of the document became known when the tape was played. In answer to a question by one of the other defense counsel about the mention of the word "report," Mr. Frates said that there was in fact a written report.

Mr. Ehrlichman then stood up and explained that he had recently come across the written report while looking through the boxes of his files at the White House. From his statements, it appeared that the written report was a set of notes, and that he had been reading from them in the April 14 meeting.

The document produced in court today, however, on stationary marked "The White House" and undated, was written almost entirely in complete sentences, although there were some abbreviations. Its first sentence reads as follows:

"In late March, you requested that I undertake to determine the facts and applicable law relating to the Watergate break-in and try to put myself in position to advise you as matters unfolded."

During the argument this afternoon, Mr. Neal said that Mr. Ehrlichman had previously testified — presumably before the grand jury — that no such document existed.

The Ehrlichman defense at the cover-up trial is that Mr. Ehrlichman was kept in the dark by Mr. Nixon and others about the true facts of Watergate, and that when Mr. Nixon asked him to find out about Watergate in the spring of 1973, he sought to do so.

This afternoon, before the argument erupted, Mr. Ehrlichman began a chronological account of the events as he understood them in the months following Watergate.

One of those events was the meeting on June 23, 1972, attended by Mr. Ehrlichman in which Mr. Haldeman told a top C.I.A. official to intervene with the head of the F.B.I. regarding the Watergate investigation

Tape recordings played at the trial show that just before that meeting, Mr. Haldeman and Mr. Nixon had discussed the political damage that might occur if the F.B.I. pursued a certain line of inquiry in the Watergate investigation. The F.B.I. had started to trace money that had been found on the Watergate burglars, and if that money was traced competely, through a Mexican bank account and elsewhere, it would lead back to Nixon campaign contributions.

Mr. Ehrlichman testified today that he did not know about this Haldeman-Nixon conversation until a few months ago, presumably, last August, when Mr. Nixon released the transcripts.