

NYTimes
Ehrlichman Testifies Nixon Gave Him
False 'Impression' in 'Four Instances'

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By LESLEY OELSNER
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WASHINGTON, Dec. 11 — John D. Ehrlichman insisted today, in the face of openly skeptical cross-examination by the Watergate prosecution, that he had been "deceived" by President Nixon.

Mr. Ehrlichman, once Mr. Nixon's chief domestic adviser, told the jury at the Watergate cover-up trial that there had been "at least four major instances" in which Mr. Nixon had given him a false "impression."

He said that he had known "pitifully little about Watergate until more than nine months after the break-in at the Democratic National Committee's offices in the Watergate complex on June 17, 1972, and that until the very end he was "not in a position to come forward with any facts."

He said that he had realized the deception only after listening to the White House tape recordings. "There is an ample showing in the record," he said, "that I was deceived."

Conversations Cited

He listed the following recorded conversations:

¶The tape of Mr. Nixon's talk with H. R. Haldeman, another defendant at the trial, on June 23, 1972, in which Mr. Nixon, for admittedly political reasons, told Mr. Haldeman to have the Central Intelligence Agency intervene on spurious national security grounds with the Federal Bureau of Investigation's inquiry into Watergate.

¶The tape of Mr. Nixon's conversation with John W. Dean 3d on March 21, 1973, in which the President's counsel described in great detail various aspects of the Watergate cover-up, such as payments to the burglars and perjury by some officials.

¶The tape of Mr. Nixon's conversation with Charles W. Colson, another aide, on Jan. 8, 1973, in which Mr. Nixon authorized a plan to give clemency to one of the burglars.

¶The tape of a conversation between the President and John N. Mitchell, the former Attorney General and a defendant in this case, on March 22, 1973, in which Mr. Nixon said he wanted everyone to "stonewall it" before the Senate Watergate committee.

As Mr. Ehrlichman described it, the first two tapes showed certain knowledge of action by the President that he, Mr. Ehrlichman, did not know about, and the last two showed Mr. Nixon acting in a way directly the opposite from the way he had lead Mr. Ehrlichman to believe he would act.

Mr. Ehrlichman also said that Mr. Nixon had suggested that he make veiled offers of clemency to former Attorney General John N. Mitchell, a co-defendant in the trial, and Jeb Stuart Magruder, who had been Mr. Mitchell's deputy at the Nixon re-election committee, so the two would not go too far in whatever testimony they might give.

Says He Did Not Act

Mr. Ehrlichman said he had

not passed on the messages.

However, the long and often contentious cross-examination today by the chief prosecutor, James F. Neal, raised some question of what effect Mr. Ehrlichman's testimony would have on the jury.

Under questioning by Mr. Neal, Mr. Ehrlichman said that he gave the jury two incorrect statements in his testimony yesterday. He also said that he made an incorrect statement to the Senate Watergate committee last year.

He admitted, too, that he had answered "I don't recall" when asked last year before a grand jury about many of the same incidents about which he has been testifying, purportedly on the basis of his recollection, at the trial.

Mr. Neal told Mr. Ehrlichman that he had said "I don't recall or "I can't remember" or "I have no recollection" in answer to 125 questions in his appearances before the grand jury in May, 1973.

Mr. Ehrlichman said that he did not know if that was true. The prosecutor challenged Mr. Ehrlichman to prove him wrong, telling him to "check the record" tonight.

Judge John J. Sirica joined in the suggestion.

Mr. Neal also brought out various apparent conflicts between testimony that Mr. Ehrlichman has given previously

elsewhere and the testimony he has given here.

Throughout the day, Mr. Neal repeatedly challenged his assertions that he had advocated a "full disclosure" of the facts of Watergate by drawing from the defendant concessions that he had had certain information about Watergate and not disclosed it.

He got Mr. Ehrlichman to admit that he had not disclosed certain information even to Mr.

Toward the end of the day, in fact—in the line of questioning that lead to Mr. Ehrlichman's heated insistence that Mr. Nixon had given him a false "impression" about various Watergate-related matters—Mr. Neal strongly implied that it was Mr. Ehrlichman who may have deceived Mr. Nixon.

Mr. Ehrlichman complimented the prosecutor twice during the cross-examination at one point saying that Mr. Neal's question had been "artful" and saying, at another point, "I appreciate what you're doing, Mr. Neal, and you're doing it very well."

Yesterday, Mr. Ehrlichman broke down and cried when he described the day when Mr. Nixon told him that he had to resign and said that Mr. Ehrlichman's judgment on Watergate had been right.

Today, he kept his composure. However, when he left the courtroom during recesses and at the end of the day, he appeared weary and glum.

In addition to Mr. Ehrlichman's testimony today, there were a bitter dispute between Mr. Neal and Mr. Ehrlichman's chief counsel, William S. Frates.

Mr. Frates accused Mr. Neal in the jury's presence of asking questions in a way to "get the laughter" from the press section, and then, after the jury had been sent out, contended that Mr. Neal was going to go home to Tennessee when the trial ended and run for office.

Judge Defends Neal

Mr. Neal, who has spoken and joked with reporters in the courthouse for less frequently than a number of the defense lawyers, said that Mr. Frates' remarks were "despicable." Judge Sirica defended Mr. Neal.

Also today, the name of "Rockefeller" was brought into the trial. The reference appeared to be to Vice President-designate Nelson A. Rockefeller, although it was not certain.

It came in during questioning about the extent of Mr. Ehrlichman's knowledge of the payments of cash to the seven men who participated in the Watergate burglary—payments that, according to the prosecution, were made in return for the defendants' silence about Watergate.

Mr. Neal, holding a transcript of a tape recording of an April

19 conversation between Mr. Nixon and Mr. Ehrlichman, asked the defendant whether he remembered suggesting that Mr. Rockefeller be asked to contribute funds that could be used for the burglars.

Mr. Ehrlichman said that he recalled some reference on the tape to his "facetiously" suggesting that Mr. Rockefeller be approached.

Assertion Challenged

The dispute between Mr. Neal and Mr. Frates took place in the course of Mr. Neal's challenge of Mr. Ehrlichman's assertion that he had repeatedly urged "full disclosure" of the facts of Watergate.

Mr. Neal was asking Mr. Ehrlichman about what had told two agents of the Federal Bureau of Investigation in an interview on July 21, 1972. The prosecutor brought out facts about Watergate that Mr. Ehrlichman had known at the time of the interview.

Then—quoting back to Mr. Ehrlichman the defendant's earlier testimony that he wanted a "full disclosure" of the facts of Watergate — Mr. Neal drew from him the concession that he had not told the agents any of these facts.

Mr. Ehrlichman sought to explain. He said that immediately before the interview, he had met for an hour with John W. Dean 3d, then President Nixon's counsel, and that Mr. Dean had told him to answer only the specific questions that the agent asked.

Mr. Ehrlichman said that he had followed Mr. Dean's advice, except for one "crack" he made to the agents about newspapers.

The defendant said that it was a remark relating to "the fact that we'd been experiencing leaks" by the F.B.I. to the news media. It was not, he said, the remark that the agent had described—that Mr. Ehrlichman knew nothing except what he had read in the newspapers.

Prosecutor Skeptical

Mr. Neal looked at Mr. Ehrlichman with obvious skepticism.

"Based on what you told them on July 21," he asked, "they wouldn't have had much of a leak, would they?"

Mr. Neal's question caused snickers and Mr. Frates leaped from his chair.

"Ask him proper questions," ask questions in a way "so he the defense lawyer demanded. He said that Mr. Neal should doesn't try to put on a show for the people in the press so he can get the laughter from them."

Judge Sirica sustained Mr. Frates's objection and said that the question had been "argumentative." Mr. Neal though obviously angry with Mr. Frates, said nothing.