

Prosecutor Says Ehrlichman Admitted Playing Role in

By LESLEY OELSNER

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WASHINGTON, Dec. 12—The chief prosecutor at the Watergate cover-up trial contended today that John D. Ehrlichman was blaming former President Richard M. Nixon for the cover-up when, in fact, Mr. Ehrlichman had confessed his own role in it to Mr. Nixon in the spring of 1973.

The prosecutor, James F. Neal, made his accusation toward the end of a long and often bitter cross-examination as Mr. Ehrlichman concluded his testimony in the case.

Mr. Neal made the charge angrily and loudly and backed it up by reading aloud a statement by Mr. Ehrlichman contained in one of the White House tape recordings played at the trial. It was Mr. Ehrlichman's statement to Mr. Nixon on April 14, 1973, in a discussion about the cover-up that, "in the first instance, we were protecting your re-election, in a sense."

Mr. Ehrlichman denied the charge just as angrily and loudly.

He insisted that he had not participated in the cover-up. He said that his remark to Mr. Nixon on April 14 was made in the course of "an attempt to look at what had happened in this whole period of time."

Defines His Defense

"To call that a confession is perfectly ridiculous in the context of this conversation," he said.

He also denied that his "defense" in the trial was that Mr. Nixon had manipulated and deceived him.

"That certainly is where the truth seems to lead us in this case," he said. "But that is not my defense."

His defense, he said, is that the charges against him, by such Government witnesses as John W. Dean 3d, "are not supported by the facts."

Mr. Ehrlichman, once Mr. Nixon's chief domestic adviser, rested his case today — with the exception of a few documents that may be filed later — after four days on the witness stand.

Mr. Neal had brought out a number of potentially damaging concessions in his first day of cross-examination yesterday. Today, he confronted Mr. Ehrlichman with various segments of the White House tapes containing seemingly incriminating statements made by Mr. Ehrlichman.

Mr. Ehrlichman tried a number of tactics in attempting to rebut the prosecution's interpretation of the tapes.

Calls Transcript Incorrect

He noted that the transcript of one of the conversations contained the phrase "unintelligible." He said that the comment that was "unintelligible" undoubtedly was such that, if it could be deciphered, would demonstrate that his own statement in the conversation had no improper implications.

At another point, he argued

Cover-Up

that the transcript was simply incorrect.

And, although he denied that his defense in the case was that Mr. Nixon was to blame for the Watergate cover-up, he continued to give incriminating testimony about Mr. Nixon.

He made a number of allegations about Mr. Nixon, both before Mr. Neal challenged him on the point and later during his cross-examination by William G. Hundley, the chief counsel for former Attorney General John N. Mitchell, a co-defendant.

One of them involved a line from one of the White House tape recordings, the line in which Mr. Nixon, on April 14, 1973, said to Mr. Ehrlichman,

"Give 'em an hors d'oeuvre and maybe they won't come back for the main course. Go out, John Dean."

Mr. Nixon made the remark in a conversation with H. R. Haldeman, the White House chief of staff and a co-defendant, and Mr. Ehrlichman about the steps that could be taken in the face of the then worsening Watergate situation — the approach of the Senate hearings and the fact that some aides were beginning to cooperate with the prosecutors.

Among the steps that the men discussed were the dismissal of Mr. Dean, who was then Mr. Nixon's counsel, and persuading Mr. Mitchell to step forward and take the blame.

Mr. Neal quoted the line to Mr. Ehrlichman.

"We know who the hors d'oeuvre is, it's John Dean," he said. "But who might be the main course?"

Asks for Enlightenment

"You'll have to ask the former President about that," Mr. Ehrlichman replied.

"Can't you enlighten us on that?" the prosecutor pressed.

"I can't enlighten you," Mr. Ehrlichman said. "He's probably talking about himself."

Mr. Neal stared at the defendant. "Are you saying the President of the United States is the main course?" he asked, his voice skeptical.

"I think he must have thought that, knowing what he knew about his March 21 conversation [with Mr. Dean, in which Mr. Dean described in detail the various aspects of the cover-up]," Mr. Ehrlichman said.

Mr. Neal gave the witness a look of disbelief. "Don't you think," he asked, "you might have been a dish in that main course?"

"No, sir," came the reply. "I'm inclined to think not," because, he added, he had so "little knowledge" about Watergate.

Mr. Ehrlichman also testified about the "assignment" that he contends he received from Mr. Nixon on March 30, 1973—the

assignment to be available to advise Mr. Nixon on the facts and law involving Watergate.

The prosecution contends that the purported "assignment" was part of the "charade" at the White House in the spring of 1973, and that it was not in fact a real assignment.

This morning, Mr. Neal asked Mr. Ehrlichman about it.

"The advice was to be full and true?" he inquired.

"As far as I was concerned, it was," Mr. Ehrlichman replied.

Then the witness added the following, "As far as the President was concerned, as I look back, listening to the tapes, I think the President hoped it wouldn't be."

'Off-Base Suggestion'

Later, Mr. Ehrlichman contended that Mr. Nixon made an "off-base suggestion" to him in Mid-April, 1973, to the effect that Mr. Dean should be reminded that there was only one person — presumably, though it was not stated, the President — who could make sure that Mr. Dean could retain his license to practice law even if he eventually got into trouble on Watergate.

He said that he had not acceded to the President's suggestion.

Mr. Ehrlichman made this contention when confronted by Mr. Neal with a tape recording of a conversation between Mr. Nixon and Mr. Ehrlichman about Mr. Dean. The conversation was about what should be told to Mr. Dean, and both Mr. Ehrlichman and Mr. Nixon made suggestions.

There is one line in which Mr. Nixon says, "You don't tell him. . . ." Mr. Ehrlichman pointed to that line and said that it proved his point—"he's making an off-base suggestion, and I'm not accepting it."

He did not mention the rest

of that sentence, in which Mr. Nixon continued, "But you know, and I know, that with him and Mitchell there isn't gonna be a God damn question. Because we got a bum rap."

It was shortly after this that Mr. Neal made his charge, asking, "Didn't you participate in the cover-up to protect Mr. Nixon's re-election, the man you are now throwing it all off on?"

Mr. Ehrlichman replied, "Certainly not, I'm not throwing it all off on anyone. The truth leads us to certain conclusions on this matter, from the tapes."

This afternoon, under cross-examination by Mr. Hundley, Mr. Ehrlichman again described what he said was an effort by Mr. Nixon to get him to do something improper.

He said that Mr. Nixon had urged him—as in fact one tape recording shows—to go to Mr. Mitchell and persuade him to tell the prosecutors, "Look, I'm responsible here."

Met With Mitchell

Mr. Ehrlichman met with Mr. Mitchell shortly after get-

ting Mr. Nixon's instructions. He tape-recorded the meeting, and while the tape could be interpreted as showing that he was putting pressure on Mr. Mitchell of some kind, it also shows that he did not tell Mr. Mitchell everything that Mr. Nixon had said he should.

Later today, a fourth defendant, Robert C. Mardian, began his case. Thomas C. Green, his lawyer, called former Attorney General Kleindienst as his first witness.

Some of the most damaging testimony against Mr. Mardian, a former Assistant Attorney General and a Nixon campaign official, related to the day of the Watergate break-in—June 17, 1972.

That is the day that G. Gordon Liddy, the election official who devised the break-in scheme, went with another campaign aide to Mr. Kleindienst to say that Mr. Mitchell wanted Mr. Kleindienst to get the men who had been arrested at the break-in out of jail.

There has been testimony that Mr. Mitchell ordered Mr. Mardian, who was with him in California, to make a telephone call to arrange for the request to Mr. Kleindienst.

Mr. Green concentrated his questioning on this point. Mr. Kleindienst said that he played golf at his club from about 8:30 A.M. until noon or 12:15 P.M. that day, and that he saw Mr. Liddy between 12:30 and 1 P.M. This testimony, when combined with various other testimony at the trial, would, if believed, make it physically impossible for Mr. Mardian to have made the call that caused the Liddy-Kleindienst meeting.

On cross-examination, however, Richard Ben-Veniste, an assistant special prosecutor, elicited concessions from Mr. Kleindienst that could affect the jury's view of his credibility.

Mr. Kleindienst admitted, for instance, that he testified earlier that he had played golf in the afternoon, a difference that he explained today by saying that he had checked his golf club's records after giving the testimony and thus discovered his mistake.

He also admitted that when he testified about the Liddy visit at the Senate Watergate committee hearings in 1973, he did not report that Mr. Liddy had said the request came from Mr. Mitchell. He explained that he did not mention it because he did not believe then—and does not believe now—that Mr. Mitchell would have made such a request.