

Ehrlichman Is Innocent, Trial Told

By George Lardner Jr.
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Former White House aide John D. Ehrlichman was portrayed yesterday as the innocent "square" of the Watergate cover-up whom President Nixon callously abandoned when the scandal got too close to the Oval Office.

Winding up his final summation at the cover-up trial there, Ehrlichman's chief defense counsel, William S. Frates, charged that Nixon threw Ehrlichman "to the wolves" in late April of 1973 without giving him a hint of the extent of the President's own involvement.

"He really didn't think Nixon was involved," Frates insisted of a final series of presidential meetings that ended with a request for Ehrlichman's resignation.

"Here's this loyal dedicated servant trying to clear his commander-in-chief regardless of who got hurt and here's the commander-in-chief sitting in his office, knowing all the time who was calling the shots."

Lawyers for former Nixon re-election committee aides Robert C. Mardian and Kenneth Wells Parkinson also protested their clients' innocence at a prolonged session that lasted past nightfall.

U.S. District Court Judge John J. Sirica had set the long hours, expressing determination to turn the case over to the jurors before the weekend, but finally gave up in the face of the defense lawyers' long arguments.

Instead, Sirica said he would let the summations continue through today—with the government getting the last word—and then wait until Monday before giving the jury his final instructions and sending them out to deliberate over a verdict.

Setting a defense record for brevity, Mardian's lawyer, Thomas Green, began and fin-

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ished his summation yesterday afternoon, maintaining vigorously that Mardian's indictment had been built solely on the recollections of government witnesses who had been contested on every point.

"You don't have to lie to wreak havoc in a courtroom," Green protested. "All you

to have is a bad me-
have
ory. Watergate prosecutors
W. n contended, had simply
Gree, a mistake in securing
made Mardian's indictment on a sin-
Marc conspiracy charge along
gle that of the four other de-
with nts who, unlike Mardian,
fend charged with other of-
were as well.

found the turn of the cen-
At the 33-year-old defense
tury er said, "Lord Acton
lawy, "There is no error so
wrote that it fails to find de-
great "able men."

fenders among or to include
"It was an err, in this case,
Robert Mardian ed. "It's up to
Green s... ed. "It's up to
you," he told the jurors, "to
terminate that error." He
maintained that Mardian
acted properly throughout his
emergency duty as a lawyer
for the Committee for the Re-
Election of the President in
the summer of 1972 until he
demanded and got another as-
signment.

Parkinson's lawyer, Jacob
Stein, had barely started his
summation when Judge Sirica
reluctantly ended the session
for the day. Hired to represent
the Nixon re-election commit-
tee against litigation stem-
ming from the June 16, 1972,
Watergate break-in and bug-
ging, Parkinson allegedly
joined the cover-up in slow
stages, eventually winding up
as a middleman for hush
money messages to and from

the original Watergate defend-
ants.

Describing Parkinson as an
apolitical Washington lawyer
with no ax to grind, Stein
charged that the prosecution
had failed to show even a mo-
tive for his client's alleged
participation in the cover-up
effort.

Ehrlichman's lawyer, who
began his summation Monday
before a two-day Christmas re-
cess, occupied the lectern for
most of yesterday's session
with a steady series of accusa-
tions against the former Presi-
dent.

Alluding to the tape record-
ing of an April 26, 1973, con-
versation between Nixon and
former White House chief of
staff H. R. (Bob) Haldeman,
Frates protested that the re-
cording system installed on the
President's instruction was

kept a secret even from Ehrlichman, the next highest-rank-
ing staff official in the White
House hierarchy.

According to a transcript of
that conversation, which was
not played to the jurors dur-
ing the trial, Nixon told Halde-
man at one point not to tell
Ehrlichman about the record-
ing setup.

Paraphrasing the remarks
with a booming Dixie accent,
Frates said the President's in-
structions were, in effect:

"Don't tell John about it.
John's a square. He wants to
reveal it [the truth] and my
God, if we reveal it, we're
caught."

The transcript itself showed
Nixon telling Haldeman: "I, I
don't think it should ever get
out that we taped this office,
Bob."

The then-President voiced
special concern over the re-
cording of an incriminating
March 21, 1973, meeting he
had with White House Coun-
sel John W. Dean III.

"I just don't want that tape,
for example—I don't want you
to, I don't want you to disclose
that to Ehrlichman or anybody
else..." Nixon added at the
meeting with his chief of staff.

Haldeman then indicated
that he had already told Ehrlichman that the Dean conver-
sation had been taped. Frates,
however, declared that his
client never realized that all
conversations in the Presi-
dent's offices were automati-
cally taped until shortly be-
fore the system was publicly
disclosed in the summer of
1973 at hearings before the
Senate Watergate committee.

Instead of participating in
the cover-up conspiracy, Ehr-
lichman, Frates asserted, had
always advocated a "full dis-
closure" of all the facts in the
scandal, never realizing that
he was effectively asking the
President to incriminate him-
self.

"Certainly John Dean and
the President of the United
States knew all of that and
were using him as a pawn,"
Frates maintained. He offered
as examples Nixon's telling
Dean on one occasion what a
"great job" he was doing in
containing the scandal and the
president's telling former At-
torney General John N. Mit-
hell at another point to
"stonewall it."

In both instances, Frates de-
clared, "John Ehrlichman had
just left the room."

The 49-year-old Ehrlichman
has been accused of much
deeper involvement in the
scandal, from giving orders to
get Watergate spy E. Howard
Hunt Jr. out of the country to
approval of secret fund-raising
efforts and veiled offers of ex-
ecutive clemency for Hunt
and other original Watergate
defendants.



Associated Press

Attorneys William S. Frates, left and Andrew Hall, representing Watergate cover-up trial defendant John D. Ehrlichman, arrive at U.S. District Court.