

## Ehrlichman, Liddy convictions upheld

WASHINGTON (AP) — The convictions of former White House aides John D. Ehrlichman and G. Gordon Liddy for their parts in the 1971 break-in at the office of Daniel Ellsberg's psychiatrist were upheld Monday by the U.S. Court of Appeals and reversed convictions against Eugenio Martinez and Bernard L. Barker, the two men who actually carried out the Sept. 3 break in at the Los Angeles office of Dr. Louis J. Fielding.

Ellsberg was a defendant in the Pentagon Papers trial.

Ehrlichman, domestic affairs adviser to former President Richard M. Nixon, has been free since his conviction in the so-called Plumbers case and another conviction in the Watergate cover-up trial on Jan. 1, 1975.

He and Liddy were sentenced to a minimum 20 months in prison on the Plumbers conviction. Liddy is presently serving time in prison for a conviction in the original Watergate break-in case.

In reversing the conviction

against Barker and Martinez, the court said the two men believed they were carrying out a lawful government operation when recruited to carry out the burglary and photograph the psychiatrist's files.

The judges likened Barker and Martinez to private citizens called upon by a policeman to assist in making an unlawful arrest, without knowing the arrest was unlawful.

They said Judge Gesell, in his instructions to the jury, should have allowed for the possibility that Martinez and Barker believed they were acting with the authority of the White House.

Martinez and Barker both worked for the CIA in the Cuban community in Miami. E. Howard Hunt, a retired CIA agent, recruited them for the operation.

Following their conviction for the break-in, Martinez and Barker were given three years' probation.

"You were duped by high government officials," Gesell said in deciding not to send them to jail.

Daniel Schultz, Barker and Martinez' lawyer, said Monday he will seek a presidential pardon for the men.

Liddy, a former government prosecutor from Poughkeepsie, N.Y., is currently serving a 6-to-20-year sentence at the federal prison in Danbury, Conn., for his conviction in the break-in at Democratic National Headquarters.

At the time of the Fielding break-in, he was a member of the secret White House investigative unit called "the plumbers."

Liddy has maintained silence about his participation in either the Watergate break-in or the Fielding burglary.

Gesell sentenced Liddy to serve one-to-three years for the Fielding conviction, but made it concurrent with the sentence from the earlier conviction.

Ehrlichman and the others were specifically convicted of plotting to violate Dr. Fielding's civil rights. In addition, Ehrlichman was also convicted on two counts of perjury before Watergate grand juries.