

# Ehrlichman Gets A 20-Month to 5-Year Sentence

## Maintains Innocence To Judge

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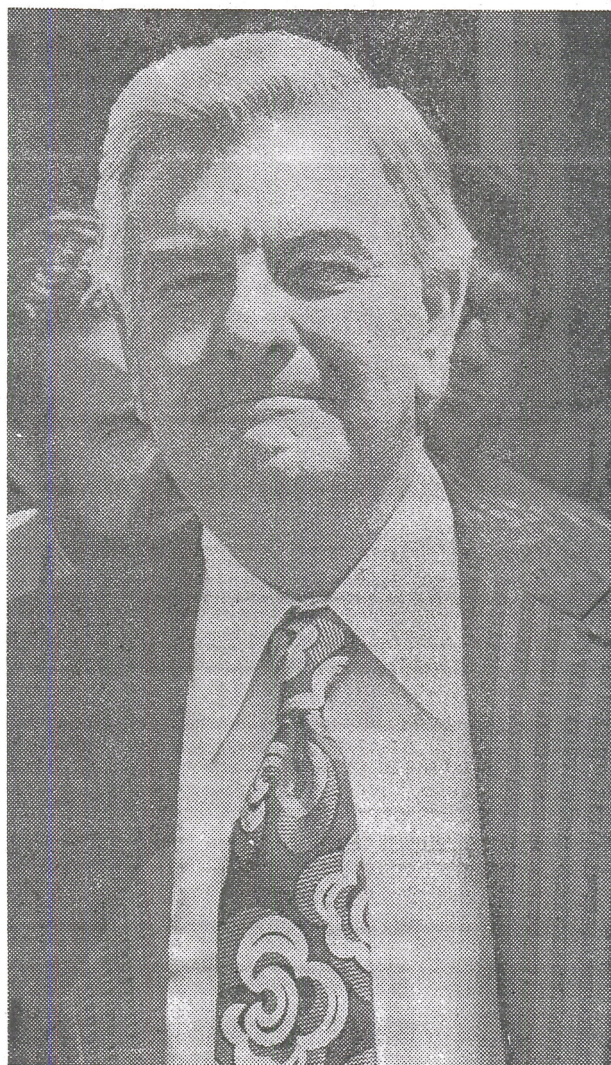
John D. Ehrlichman, for four years one of the two most powerful men in the Nixon administration, was sentenced to serve a minimum of 20 months to a maximum of five years in prison yesterday, even as he still maintained his innocence of the conspiracy and perjury charges for which he was convicted July 12.

Ehrlichman, who remains free on bond pending an appeal of the convictions growing out of the burglary of the office of Daniel Ellsberg's psychiatrist, told U.S. District Judge Gerhard A. Gesell: "I believe that I am the only one in this room who really knows whether I am guilty or not guilty of the charges.

"You honor, I am innocent of each and every one of the charges involved in this case."

Judge Gesell told Ehrlichman, however, that "the court, of course, accepts the verdict of the jury," and then he imposed the sentence the ~~harsh~~ <sup>harsh</sup> ~~est~~ <sup>est</sup> yet meted out in Watergate-related criminal cases, except for those related to the break-in.

Gesell said the former Nixon aide, a lawyer, held



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AMPI ex-manager Harold S. Nelson after pleading guilty.

"... the major responsibility for this shameful episode in the history of our country."

"The Constitution was ignored; the rights of citizens abused; the important Ellsberg federal prosecution was tainted and had to be dismissed by Judge (Matthew) Byrne; falsehoods and concealment were employed to thwart the lawful inquiry into this abuse; and the jury has found that all of this occurred with your approval and your affirmative participation."

Ehrlichman, who daily consulted with the President as his top adviser on domestic affairs until his resignation last year, still faces charges in connection with the alleged Watergate cover-up.

Ehrlichman's codefendants in the Ellsberg case—former White House aide G. Gordon Liddy, Eugenio Martinez and Bernard L. Barker—were given lighter sentences for what Gesell said was their lesser roles in the crime.

Liddy, who is serving prison terms in the original break-in case and on con-

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## SENTENCE, From A1

tempt charges under which he is not eligible for parole until April, 1981, was sentenced to one to three years. That term will run concurrent with his current sentences, so the sentence does not have the effect of automatically lengthening the original term.

Barker and Martinez, two of the men who actually carried out the break-in, were placed on probation. Judge Gesell said the two men, who served a year in prison for the Watergate break-in, has been "duped by government officials" and had been "adequately punished."

Ehrlichman and the three other defendants were convicted after a 12-day trial on charges that they conspired to violate the civil rights of Dr. Lewis Fielding, who was the psychiatrist of Pentagon Papers codefendant Daniel Ellsberg, by breaking into Fielding's Beverly Hills, Calif., office on Sept. 3, 1971.

Ehrlichman was also con-

victed by the jury of three counts of lying to federal investigators probing the break-in. After the trial, Judge Gesell dismissed the charge that Ehrlichman had lied to the FBI, but allowed standing the two counts that charged Ehrlichman with lying to Watergate grand juries.

Judge Gesell said he had "put out of this court's mind" any accusations against Ehrlichman in other Watergate-related activities in deciding on the prison sentence.

"After giving heavy weight to the many affirmative aspects of your life, without which the court would impose a far more severe sentence, you are sentenced to 20 months to five years on each count, the counts to run concurrently," Gesell said.

Ehrlichman stood erect as Judge Gesell imposed the sentence, showing little if any emotion as he returned to his seat at the defense table and poured himself a glass of water.

His attorney, William S. Frates, had chosen not to make any remarks at the time of sentencing.

In remarks to newsmen later, Ehrlichman went into some detail about his view of the case.

"I have a clear conscience," Ehrlichman said. "I am confident . . . that I will ultimately be exonerated and vindicated."

He said that the episode merely represented the regular government operation of "people who are constantly required to balance against the interest of the nation as a whole."

He gave as examples a farmer whose farm must be given up so it can be used as an air base, or a draftee who must give up two years of his life for the government. "There was balancing of that kind in this case," Ehrlichman calmly told newsmen outside the courthouse.

He said that his view of the case—that national security justified the activities that led to the break-in and the break-in itself—was not allowed by the judge and that he and his lawyers viewed that "as an error of law."

He again asserted that he had no knowledge that any illegal or improper action was going to be undertaken

by the White House special investigation unit, which came to be known as the plumbers, and whose members were charged in this case.

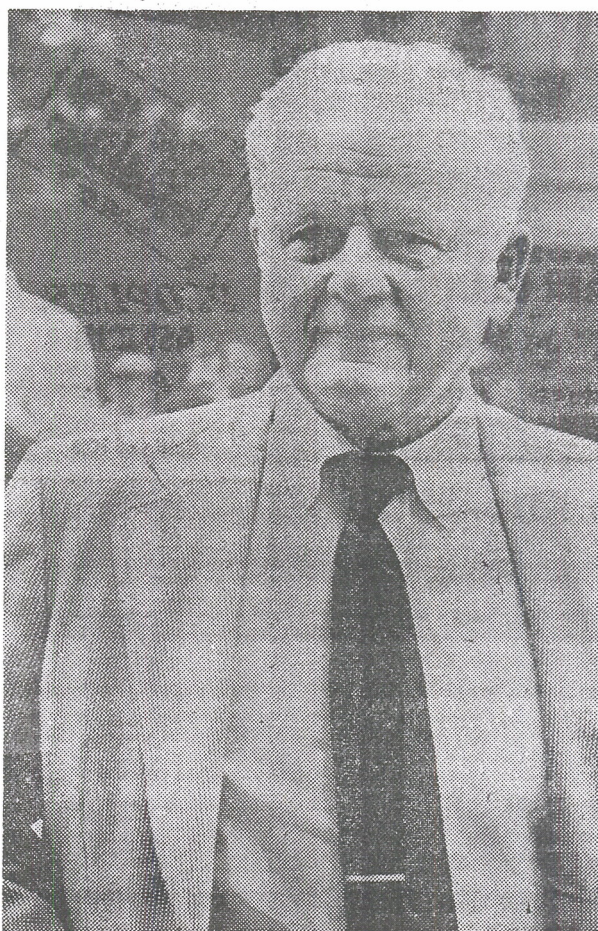
He also reiterated his defense to the perjury counts, saying he had answered questions about the plumbers unit to the best of his recollection at the time he had been confronted in the grand jury "by a battery of lawyers shooting questions" at him.

Ehrlichman still faces charges in Los Angeles County of perjury before a grand jury there, which was also investigating the break-

role that surfaced when they were found to be among five men caught in the Democratic headquarters at the Watergate office complex on June 17, 1972. Their alleged role in the Ellsberg break-in was discovered as the investigation progressed into the cover-up of the original Watergate burglary.

They pleaded guilty in the Watergate break-in, but are attempting, on appeal, to change their pleas to innocent so they can stand trial.

Of the two men only Martinez made a statement at yesterday's sentencing before Judge Gesell. With a



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#### Judge Gerhard A. Gesell at U.S. District Court.

in. District Attorney Joseph Busch said yesterday there was a possibility that those charges would be dropped in view of Ehrlichman's conviction and sentence on the federal case.

The sentencing of Barker and Martinez apparently brings to an end their part in Watergate-related cases, a

heavy Spanish accent, he said that "it was never in my mind to do any wrongdoing . . . my motivation was not to become a criminal."

Judge Gesell told the two men, who are strong supporters of freedom for Cuba, that they contributed to illegal activity "which in many ways was typical of the very regime you each so

strenuously and courageously opposed in Cuba.

"as you both well know, it is impossible to preserve freedom anywhere when zealots take over and the rule of law is ignored." law is ignored."

Liddy, who has steadfastly maintained his silence on any Watergate matters, said he had "nothing at all" to say upon his sentencing. His attorney, Peter Maroulis, merely outlined Liddy's current prison terms.

Judge Gesell said that Liddy had a middle level degree of responsibility in this case," but added that "the evidence demonstrates your violation was deliberate and your offense is clear."

Liddy is currently serving a contempt of court term in D.C. jail for refusing to testify to a Watergate grand jury, and Judge Gesell said he would recommend that Liddy be transferred from that facility as soon as possible under the current sentence.

"The court is very concerned that you are in the D.C. jail, which I don't think is a fit place for you or anyone else to be," Judge Gesell said.

There was little visible drama in the courtroom yesterday.

Ehrlichman chatted with his attorneys until Judge Gesell came into the courtroom at 9:33 a.m. The court-

room was packed and hushed.

Only a handful of would-be spectators was unable to get in to watch the proceedings. Member of Ehrlichman's family had attended the trial regularly but were not present yesterday. Liddy's wife watched from a front row, as did Barker's daughter. Except for the full spectator section it could have been any criminal proceeding in the federal courthouse here.

The conspiracy count on which Ehrlichman was convicted grew out of a chain of events that began in the summer of 1971, when President Nixon organized a special secret unit in the White House to track down and stop leaks of classified information. The formation of that unit came against a background of Ellsberg's having distributed to the

press the highly classified Pentagon Papers to the press for publication.

Ehrlichman was Nixon's first choice to head the unit, but the President later asked Ehrlichman to assign someone else to the task. As the unit grew, it was headed by Egil (Bud) Krogh, who pleaded guilty in the Ellsberg case to civil rights conspiracy and served a six-month prison term, and David R. Young, who was

grant immunity for testifying against Ehrlichman.

The unit's first main concern was Ellsberg and the leak of the Pentagon Papers, and it began focusing its investigation on that.

As the investigation progressed, it had a dual purpose, according to trial testi-

mony. One was to determine Ellsberg's motives for releasing the papers; the other was to discredit Ellsberg as an antiwar spokesman. Former White House special counsel Charles W. Colson has pleaded guilty and is serving a one to three year prison sentence for obstructing justice in the case by disseminating derogatory information about Ellsberg.

The plumbers decided they needed additional information for a CIA psychological profile on Ellsberg, an idea that spawned the break-in at Fielding's office. Fielding had refused to cooperate with the FBI, relying on the doctor-patient privilege to keep such information confidential.

Ehrlichman's role in approving the break-in came in at least two conversations with Young and Krogh, according to the trial witnesses, and his initialed approval of a "covert operation" to examine the files.

The charges on which Ehrlichman was sentenced yesterday carried a maximum possible penalty of 20 years in jail and fines totaling \$30,000. Liddy, Barker and Martinez could have been sentenced to a maximum of 10 years in jail and \$10,000 in fines.

Sentences of Nixon administration officials by federal judges in Watergate and related matters have ranged from the one-month-suspended sentence of former Attorney General Richard G. Kleindienst by U.S. District Judge George L. Hart Jr. to the maximum 20 years given Liddy in the original break-in case by U.S. District Judge John J. Sirica.

In between have been Colson's one-year sentence; a 10-to-30-month sentence imposed on former presidential appointments secretary Dwight L. Chapin; the six-month sentence on Krogh—all imposed by Judge Gesell. In addition, there had been a 30-day sentence imposed on former White House aide Herbert L. (Bart) Porter by U.S. District Judge William B. Bryant and a 10-to-48-month sentence on former White House aide Jeb Stuart Magruder by Judge Sirica.