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Years in Cover-up

Haldeman, Mitchell Ehrlichman Freed Pending Appeals

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Former White House aides H. R. (Bob) Haldeman and John D. Ehrlichman and former Attorney General John N. Mitchell were all sentenced to at least 2½ years in federal prison yesterday for covering up the Watergate scandal.

U.S. District Court Judge John J. Sirica imposed identical prison terms of 2½ to 8 years on each of the three men in a terse, dispassionate pronouncement at the U.S. Courthouse here.

The fourth defendant convicted in the cover-up conspiracy, former Assistant Attorney General Robert C. Mardian, was given a prison term of 10 months to 3 years.

All four were then released without bond for what is expected to be a drawn-out round of appeals that could take more than a year to resolve.

"It could have been better, it could have been worse . . . a hell of a lot worse," Mitchell told some reporters on his way out of the courthouse. "They could have told me to spend the rest of my life with Martha Mitchell."

The Mitchells are separated.

Their faces grim, the other defendants hurried away without comment. Haldeman's lawyer, John J. Wilson, described the penalty as "far more than Richard Nixon will ever suffer."

" . . . Whatever Bob Haldeman did, so did Richard Nixon," Wilson told the judge just before sentencing.

Once the former President's closest aides and confidants, Haldeman, Ehrlichman and Mitchell had all been convicted Jan. 1 of conspiracy, obstruction of justice and lying under oath in various forums.

Each was sentenced to a term of 20 months to 5 years for conspiracy and obstruction of justice and then to an additional term of 10 months to 3 years for the perjury

counts.

"It is the intention of this court that the defendant serve not less than 30 months nor more than 8 years," Sirica intoned as each of the three key defendants was summoned before him.

Mardian, a campaign aide under Mitchell at the Committee for the Re-Election of the President when the Watergate bugging and break-in was discovered in 1972, had been tried and convicted of conspiracy alone.

Ehrlichman also had been sentenced last year to a 20-month-to-5-year term on charges stemming from the White House-sponsored 1971 break-in at the offices of Daniel Ellsberg's psychiatrist, but Sirica ordered yesterday's sentences for Ehrlichman to run concurrently with the earlier one.

As a result, any time served for his conviction in the Ellsberg case, which Ehrlichman also is appealing, would count as time served for his role in the Watergate cover-up as well.

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COVER-UP, From A1

Yesterday's hour-long session before Sirica began on a bizarre note. The judge invited the four defendants and their lawyers to make any final pleas for leniency, but then Sirica forgot himself for a moment and started reading out his decision.

"I'm sorry," the judge said, checking himself after a few words and leaning back in his high-topped chair to listen to the final statements.

Ehrlichman's lawyer, Ira N. Lowe, making his first courtroom appearance in the case, made the longest presentation, capping it with a surprise suggestion that the former White House domestic affairs adviser be "sentenced" not to prison,

but to public service work among the Pueblo Indians in New Mexico.

Lowe said the 49-year-old Ehrlichman plans to spend the coming months of freedom on appeal among the Indians anyway "so that he may on his own perform his penance."

Mitchell's chief defense lawyer, William G. Hundley, shook his head and grimaced as Lowe kept pressing the novel suggestion, declaring at one point that it wouldn't cost "the taxpayers a peso."

The courtroom was packed. Approximately 80 spectators waited all night outside the courthouse in hopes of getting a seat.

Federal marshals reportedly told them they would all get into the courtroom on a rotating basis, but Sirica decided to permit no one to enter or leave once the hearing had started.

The four defendants and their lawyers lined up before the judge in a drawn-out semicircle as the session got under way. The convicted men were silent and occasionally clasped their hands in front of them. Mitchell appeared even more pale than he did during the trial; Hundley said they would have no statement beyond what they had already submitted to the court through probation officials.

"I would just as soon not prolong the difficulties and move on," the Mitchell lawyer declared.

Haldeman's chief counsel, John Wilson, had more to say, although frankly emphasizing that he didn't think any of his words would change the court's mind. He said Sirica, like all other sentencing judges, had doubtlessly considered all the points that might be made and already decided what sentences to impose.

"I have always felt that the opportunity of this moment was a meaningless one," Wilson said.

But even so, he declared, he hoped that the court had considered "that whatever Bob Haldeman did, he did not do for himself but for the President of the United States; that the virtue of loyalty is not to be forgotten when evaluating all the attending circumstances; and that he was caught up in a political maelstrom that en-

gulfed a lot of other good people."

Still President when the cover-up indictment was returned last March 1, Nixon was named an unindicted co-conspirator in the case. But the pardon he got from President Ford after his resignation precludes his prosecution for any federal crimes he may have committed in office.

Wilson reminded the judge that his power was "not dissimilar from that of a pardon." He said he hoped Sirica had been mindful "that whatever Bob Haldeman did, so did Richard Nixon; that Nixon has been freed of judicial punishment, yet Bob Haldeman has had to endure agony

and punishment by the trial and conviction."

The 73-year-old defense lawyer said he recognized that Nixon, too, has suffered in being toppled from the highest office in the land.

But as a human being, Wilson said, Haldeman has already suffered at least as much as Nixon has and now

faced the prospect of suffering far more than Nixon ever will.

Wilson concluded by hoping, too, that the unwillingness of Haldeman, the former White House chief of staff, to plead guilty when "he did not consider himself guilty" would not be held as a black mark against him

and that leniency might still be in the offing.

Speaking up for Ehrlichman, Lowe offered a lengthy argument against prison terms in general and suggested that alternative sentences to public service work would be much more fruitful, as well as a savings for the taxpayers.

In turn, the court was told, Ehrlichman has been considering in recent weeks "what he might or what he could do to comport with the old Hasidic command of a good deed for a bad."

In that search, Lowe announced, the former domestic affairs aide had met "Chief Agoyo," one of the heads of the eight Northern Pueblo tribes, and found them in need of advice on property rights and land-use law, Ehrlichman's field of expertise.

Declaring that Ehrlichman's assistance by now had been formally invited by most of the eight tribes, Lowe asked the court to sentence him to their reservation for a term to be determined by Sirica.

The defense lawyer wound up by reading out a letter Ehrlichman himself had sent the judge on Feb. 3, making the same request.

In his letter, Ehrlichman also professed his profound regret for his part in "the

whole Watergate episode," but reiterated once again his basic contention that he had been "deceived" at the White House—in such a way that even fellow lawyers now "find me unworthy of their trust and belief."

"When I left my hometown to come to Washington, I did not leave behind my fidelity to the truth," Ehrlichman wrote. "Yet I have been found to be a perjurer and no reversal on appeal alone can expunge the stigma of those verdicts."

Lowe also suggested that sending Ehrlichman to work among the Indians would probably lead him to drop any appeals of his conviction, but Sirica was evidently unmoved. He proceeded directly to sentencing as soon as Mardian and his attorney said they had no statements to make.

The judge's decision was short, matter-of-fact, and almost mechanical, devoid of any comment about the unprecedented scandal or the trials that resulted in his courtroom, first for the burglary and then for the cover-up of high-level involvement in the espionage.

Instead, Sirica said simply that he had "given careful and serious thought" to the sentences he thought proper. Then he listed four considerations for any sentence—incarceration for the protection of society, punishment, the possibility of rehabilitation and the effect of a sentence on defendants, and their families, and finally, "the deterrent effect that the sentence may have on others who may be tempted to commit the same type of crimes for which these defendants now stand convicted."

With that, the judge proceeded to the sentencing, without spelling out which of those considerations had

carried the most weight. The prison terms he gave Haldeman, Ehrlichman and Mitchell were the stiffest in the Watergate case and related scandals since the original burglary trial when G. Gordon Liddy was sentenced to a minimum of 62/3 years and a maximum of 20 years in prison. Watergate burglar E. Howard Hunt Jr. got 30 months to 8 years, just as yesterday's defendants did.

Watergate prosecutors declined to comment on the penalties. Several defense lawyers, who did not wish to be quoted, said they thought the sentences severe, but not surprising in light of Sirica's reputation for dealing out stiff terms. "Maximum John" did his job," one said.

Ehrlichman left the courthouse with a harried look on his face. "I'm not going to say anything," he told a reporter. "Not now."

Haldeman mustered a smile for some autograph seekers as he left the courtroom, hurriedly signing a huge poster of Nixon that was handed him. But he brushed past reporters without a word.

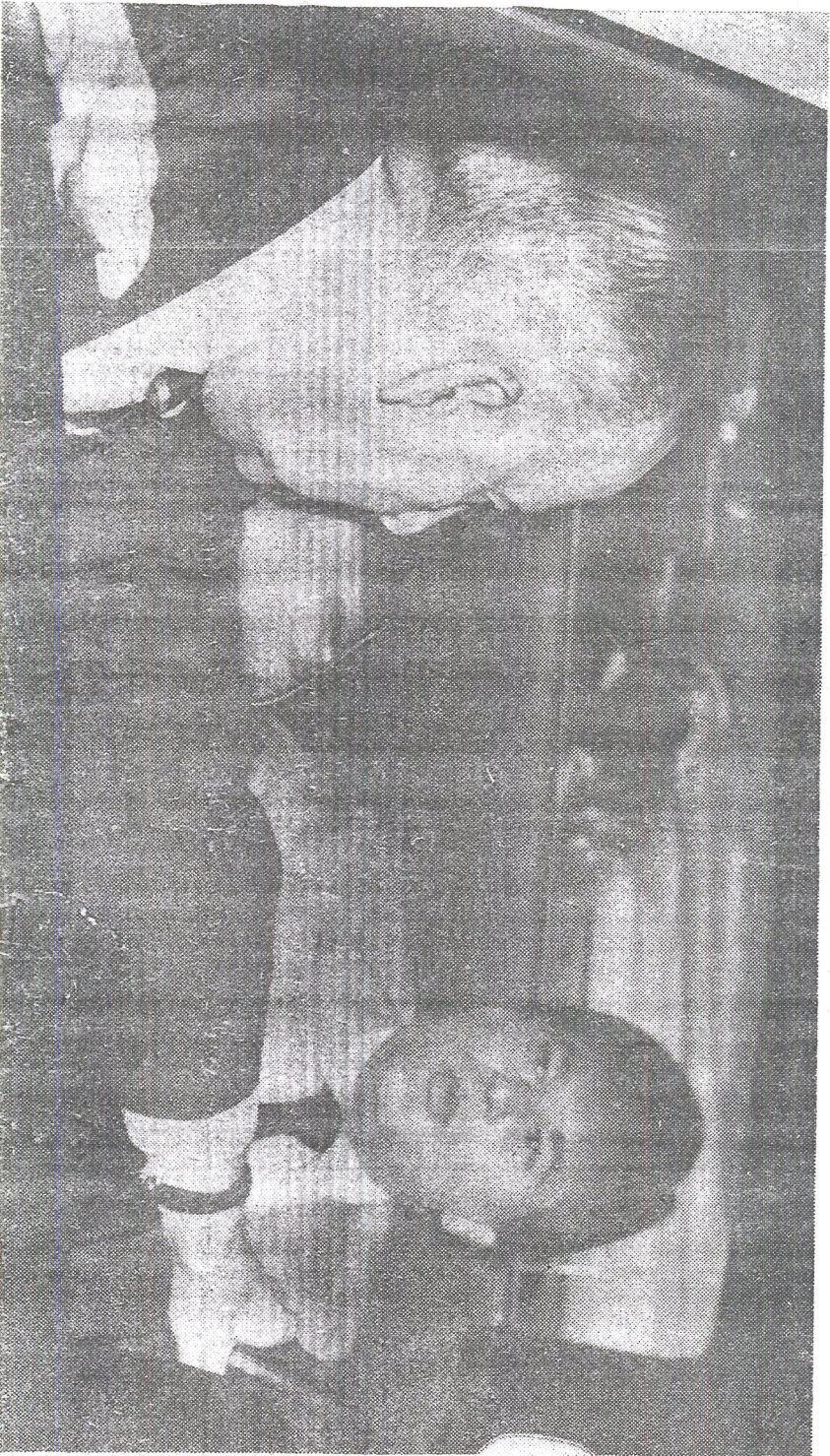
In many ways, it was, as Wilson called it, "the end of a long road," but for Watergate prosecutors, there are still months of trials and investigations to complete before that work is done.

Their investigation of the erasure of 18½ minutes from one White House tape sought in the cover-up investigation seems likely to wind up in a dead end, but the prosecutors are reportedly considering whether the White House deletions on transcripts of other tapes turned over to the House impeachment inquiry last year might have constituted a criminal violation and they are trying to determine who was responsible for the deletions.



Three Watergate defendants leave court after sentencing. They are, from left, H. R. Haldeman, John D. Ehrlichman and Robert C. Mardian, far right, with his attorney, Thomas Green.

Photos by Larry Morris and Gerald Marthens—The Washington Post



Judge John J. Sirica departs after imposing sentences. At right, former Attorney General John N. Mitchell turns to talk to one of his lawyers, Plato Cacheris.

Associated Press