

# Ehrlichman Convicted

## In Ellsberg Break-In

### 3 Others Also Found Guilty

Washington

John D. Ehrlichman, former chief domestic adviser to President Nixon, was found guilty yesterday of conspiring to violate the civil rights of Daniel Ellsberg's psychiatrist.

Ehrlichman was also found guilty of three of four counts of making false statements.

The conspiracy count carries a possible maximum penalty of \$10,000 and a ten-year prison sentence. Each of the false statement counts carries maximum penalties of \$10,000 and five years' imprisonment. Thus, Ehrlichman faces a total maximum penalty of 25 years of prison and \$40,000 in fines.

The jury, after receiving a strongly worded charge by Judge Gerhard A. Gesell, took slightly more than three hours to reach a verdict.

It was 5:31 p.m. when the foreman, Wilbert A. Garner, rose to announce the decision.

He was asked by the clerk of the court for the verdict concerning "the defendant Ehrlichman" on the conspiracy charge. There was silence as Garner said, "guilty," and repeated the word three times, for the second, third and fourth counts of the indictment, which are on charges of making a false statement to an agent of the FBI and two charges of making false statements to grand juries.

Asked about the fifth

count, also a charge of making a false statement to a grand jury, Garner replied that the jury found Ehrlichman "innocent."

Ehrlichman's co-defendants, G. Gordon Liddy, Bernard L. Barker and Eugenio R. Martinez, also were found guilty, of conspiring to violate the civil rights of Dr. Lewis Fielding by burglarizing his Beverly

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Hills office on Sept. 3, 1971, in search of files containing material concerning Ellsberg.

The 49-year-old Ehrlichman, who stood impassively but flushed as the verdicts were read, is the highest-level member of the Nixon administration to be convicted for his role in the Watergate scandals.

The verdict was read in the same small, badly-lit courtroom in the District of Columbia Superior Court in which the jury had been charged by Gesell yesterday morning. The judge's own second-floor courtroom in the nearby federal courthouse, where the trial was conducted, was off-limits because of the continuing siege of that building where two convicts were holding hostages at gunpoint in a basement cellblock. (See Page 5.)

Gesell, in dismissing and thanking the jury, said that although he could not "order" them not to speak to the press, he was asking them not to do so: "I strongly suggest . . . that you keep your own confidence . . . it might in some way affect the atmosphere of this case."

Gesell, scheduling the sentencing of the four men for July 31, suggested that they all make "prompt appointments with your proba-

tion officer for an interview."

Mrs. Ehrlichman, who went to her husband's side as soon as court was dismissed, smiled and hugged members of Ehrlichman's four-man defense team, headed by William S. Frates of Miami, who also represents Charles G. (Bebe) Rebozo, Mr. Nixon's close friend.

On the steps outside the courthouse, the Ehrlichman's, hand in hand, stood in front of microphones and cameras while he made a brief statement. Ehrlichman said that he has instructed his attorneys to begin preparing an appeal.

"I have been concerned," he said, about the difficulty of obtaining "a fair trial in this district, and one of the grounds of this appeal will go to that question. A great deal of the background has been excluded from the case by rulings of the court," he added, saying that this would be another direction of appeal.

"I have and for years have had an abiding confidence in the American judicial system," he said. "Nothing that has happened today, has shaken that faith. I look forward to eventual complete exoneration as this matter moves through that process."

Then he looked down at his wife and said: "Right?"

"Right," she replied with a nod.

Daniel Shultz, the Washington attorney who represents Barker and Martinez, said he was "disappointed" at the verdict, adding: "we gave it our best shot" Shultz said he would appeal.

Gesell's charge clearly indicated to the jury that Ehrlichman need not have authorized a "break-in" or an "illegal entry" to be found guilty. "A search in the con-

stitutional sense," he said, "is an intrusion or exploration by governmental agents of an area which one would normally expect to remain private . . . a physical break-in is not essential."

He also told the jurors: "An individual cannot escape criminal liability simply because he sincerely, but incorrectly, believes that his acts are justified in the name of patriotism, or national security or the need to create an unfavorable press image or that his superiors had the authority to suspend without a warrant the protections of the Fourth Amendment," which guarantees against unreasonable search.

Gesell pointed out with respect to the false statement charges, that a statement is "not false if it is literally true and technically responsive" to the question even if the reply is incomplete and misleading.

The false statement charge of which Ehrlichman was acquitted concerned a statement made to a grand

jury on May 14, 1973, in which he said he did not know who, other than Egil Krogh Jr., a co-director of the White House investigations unit known as "The Plumbers," had files on the unit's investigation of Ellsberg.

The other two grand jury charges, of which he was found guilty, involved his stating that he was not aware before the break-in of the plan to obtain a psychological profile of Ellsberg, whose self-described activities as the source of the history of U.S. involvement in Vietnam known as the Pentagon Papers was a cause of great concern at that time.

Martinez and Barker, both occasional employees of the Central Intelligence Agency, were recruited for the actual breaking-and-entering by E.

Howard Hunt, another member of the Plumbers. Liddy, one of the unit's planners, is serving a 6½ to 20-year sentence for his role in the break-in at the headquarters of the National Democratic Committee in June, 1972.

"Some may have acted for political motives," Gesell told the jury. "Others may have acted for patriotic reasons, others may have thought the security of the country was at stake, others may have been caught up in the desire to produce the results whatever the means." But he said that motives made no difference if there were no "reasonable doubt" that a defendant joined the conspiracy thoroughly.

*New York Times*



*AP Wirephoto*

**EHRlichman AND HIS WIFE JEAN**  
**He told reporters he would appeal the four-count conviction**

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