

Ehrlichman Conviction Is Appealed

By Lawrence Feinberg

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Attorneys for former White House aide John D. Ehrlichman yesterday listed 18 reasons, including the presiding judge's gestures and the presence of hostages in the courthouse basement, in asking that Ehrlichman's conviction be set aside in the Ellsberg break-in case.

Ehrlichman was convicted on three counts of perjury and one of conspiracy July 12 after a 12-day trial before U.S. District Court Judge Gerhard A. Gesell. The final day of the trial was moved from the District Courthouse to a nearby courtroom building because two armed convicts held hostages in the District Court cellblock.

In his motion for a new trial, Ehrlichman contends that the "atmosphere created" by the cellblock takeover "significantly detracted from the jury's ability to impartially deliberate on the facts of this case."

Ehrlichman's lawyers also complained that during Ehrlichman's testimony Judge Gesell repeatedly "made facial expressions and other gestures" that showed that the judge felt Ehrlichman could not be believed.

His lawyers contended that Gesell erred in not setting aside one conspiracy charge after he said during the trial that he doubted that it had been proved. They also objected to several parts of Gesell's charge to the jury.

In his motion, Liddy contends that the government failed to prove clearly that the break-in at the office of Dr. Lewis Fielding, Ellsberg's psychiatrist, was made without a search warrant and that this lapse is enough to require his acquittal.

Meanwhile, attorneys for former White House chief of staff H. R. Haldeman filed motions yesterday seeking subpoenas for tape recordings and transcripts of testimony taken in executive session by the Senate special Watergate committee. The motions also seek tapes from the House Judiciary Committee's impeachment probe and the Senate and House Subcommittees on U.S. Intelligence Operations.

Haldeman's lawyers said he needs the tapes and transcripts to prepare for his Sept. 2 trial in the main Watergate cover-up case.