

# 20 Months to 5 Years for Ehrlichman in Break-In

Washington

John D. Ehrlichman, once President Nixon's right hand man for domestic affairs, drew a minimum 20 months' imprisonment in the Plumbers case yesterday for his part in what the court called a "shameful episode in the history of our country."

U.S. District Judge Gerhard Gesell ordered only probation for two Cuban refugee members of the White House spy team. Gesell said the Cubans had been duped into the operation.

Ehrlichman drew three concurrent sentences of 20 months to five years on each of his convictions of authorizing the break-in at the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist, and two counts of perjury before Watergate grand juries.

The perjury convictions stemmed from Ehrlichman's testimony that he was not aware before the break-in of the plan to obtain a psychological profile of Ellsberg.

Although not the stiffest sentences handed out in the Watergate cases, Ehrlichman's penalty was the most severe meted so far to any high official of the Nixon administration. He remains free without bond pending appeal.

G. Gordon Liddy, already under a six-year, eight-month to 20-year sentence in the Watergate break-in, drew another 1 to 3 years concurrent to his present term. He was convicted as a leader of the Fielding break-in operation.

Bernard L. Barker and Eugenio R. Martinez, convicted Watergate burglars who admitted breaking into Fielding's office on a White

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House mission, were given three year's probation after Gesell said they had suffered enough.

All four men were convicted by a jury in U.S. District Court here July 12 after a two-week trial. All are appealing.

Ehrlichman, whose family did not accompany him yesterday morning as they did throughout the 12-day trial, was asked before sentencing if he wished to address the court.

Speaking almost inaudibly, he said: "May it please the court, I am the only one in this room who really knows whether I am guilty or not guilty of the charges against me. Your honor, I am innocent of each and every one of the charges in this case."

Gesell, in response, told him that he among the defendants "held the highest position of public trust in

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our government" and thus must bear "the major responsibility for this shameful episode in the history of our country."

He told Ehrlichman, "The constitution was ignored, the rights of citizens were abused, the Ellsberg federal prosecution was tainted and had to be dismissed..."

The judge told Ehrlichman that he had "given heavy weight to the many affirmative aspects of your life" in deciding on the sentence of 20 months to five years on each count, to run concurrently.

On the steps of the U.S. District courthouse after the sentencing, Ehrlichman made a brief statement. Speaking confidently, he said he wanted to talk about "the fundamental issues and principles" involved in the case.

"People who are in gov-

ernment are constantly required to balance the rights of an individual against the larger rights of the nation as a whole," he said. "The obvious example is the farmer who is asked to give up his farm in order to build an airbase in wartime"

Such "balancing judgments," he said, "are involved day to day in various aspects of government life. There was a balance of that kind involved in this case."

He noted that Gesell "ruled that this issue could not be raised," adding: "it is our view this is an error of law." This was an apparent reference to defense attempts to introduce the issue



JUDGE GERHARD GESELL  
'Shameful episode'

of national security — if not as a justification, at least as a context in which the episode should be considered — at the trial.

Ehrlichman remains free pending the outcome of his appeal.

He is scheduled to go on trial August 15 in Los Angeles on a perjury charge growing out of his testimony before a grand jury, and in Washington again in September. He is one of six persons charged with having attempted to cover up the Watergate break-in.

Liddy, who said he had "nothing at all at this time" to say to the court, was described by the judge as having "a middle-level degree of responsibility" for the break-in of Fielding's office. But, in sentencing him to one to three years, Gesell said the "violation was deliberate and your offense clear."

Martinez, apparently speaking for both himself and Barker, said, "It was never in my mind to do (a) wrong thing." He and Barker, both sometimes operatives of the Central Intelligence Agency, were recruited for the Fielding break-in by E. Howard Hunt, the former CIA agent and member of the Plumbers unit who was named as an unindicted co-conspirator in the indictment. He was granted immunity to testify at the trial.

Gesell, after listening to Martinez' plea, told him and Barker: "Without giving the matter adequate thought, it appears to the court that you contributed to illegal activity by our government, which in many ways was typical of the very regime which you both so strenuously and courageously opposed in Cuba." Both men have been active in CIA sponsored anti-Castro activities, according to their own testimony.

A.P. & U.P.