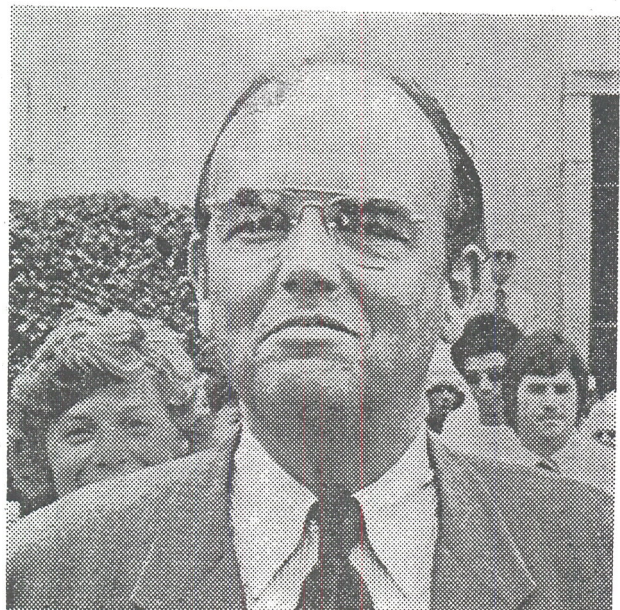


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Ehrlichman Is Sentenced
To 20 Months to 5 Years

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John D. Ehrlichman outside court after being sentenced for conspiracy yesterday. He is free pending appeal.

By **LINDA CHARLTON**
 Special to The New York Times

WASHINGTON, July 31 — John D. Ehrlichman, formerly President Nixon's chief adviser on domestic affairs, was sentenced today to 20 months to 5 years in prison for his role in what Judge Gerhard A. Gesell called "a shameful episode in the history of this country."

Mr. Ehrlichman and three co-defendants, also sentenced today, were convicted July 12 of conspiring to violate the civil rights of Dr. Lewis J. Fielding, Daniel Ellsberg's former psychiatrist, by breaking into Dr. Fielding's office in Beverly Hills, Calif., to search his files for material concerning Dr. Ellsberg.

In addition, Mr. Ehrlichman alone was found guilty of two

counts of lying to a grand jury in connection with the break-in, and of one count—dismissed last week by Judge Gesell—of lying to agents of the Federal Bureau of Investigation who were investigating the episode. He was acquitted on a third count of making a false statement to a grand jury.

G. Gordon Liddy, one of Mr. Ehrlichman's co-defendants, received a one-to-three-year sentence, to be served concurrently with his present sentence of six years and eight months to 20 years.

Mr. Liddy, who also took part in the June, 1972, break-in at the Watergate headquarters of the Democratic National Com-

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did not accompany him this 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."

Judge Gesell, in response, told him that he among the defendants "held the highest position of public trust in our Government" and thus must bear "the major responsibility for this shameful episode in the history of our country."

Gesell Explanation

The judge told the tall, tanned defendant, who wore a gray suit and removed his glasses as he walked from the defense table to face the bench, "the Constitution was ignored, the rights of citizens were abused, the Ellsberg Federal Prosecution was tainted and had to be dismissed by Judge [Matthew] Byrne . . ."

The judge told Mr. 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 United States District Courthouse after the sentencing, Mr. Ehrlichman made a brief statement. Speaking confidently, and showing none of the signs of distress that had flickered across his usually impassive face immediately after hearing his sentence, he said he wanted to talk about "the fundamental issues and principles" involved in the case.

"People who are in government 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 Judge 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 of national security—if not as a justification, at least as a context in which the episode should be considered—at the trial.

Mr. Ehrlichman, who will remain free pending the outcome of his appeal, repeated that he had "a clear conscience," adding, "I am confident that justice will be found and done and I will ultimately be exonerated."

He is scheduled to go on trial in Los Angeles Aug. 15 on a perjury charge growing

out of his testimony before a grand jury, and in Washington again on Sept. 9. He is one of six persons charged with having attempted to cover up the Watergate break-in.

According to the Bureau of Prisons, Mr. Ehrlichman will not be eligible for parole until he has served the minimum of 20 months of his sentence, if his appeals are rejected. In Los Angeles today, District Attorney Joseph Busch said there was a "possibility" that the perjury charge might be dropped "in view of the fact that Mr. Ehrlichman has been found guilty and sentenced for an offense of a very similar nature."

Liddy Keeps Silent

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

Mr. Martinez, apparently speaking for both himself and Mr. Barker, said, "It was never in my mind to do wrong thing." He and Mr. Barker, both of whom have been operatives of the Central Intelligence Agency, were recruited for the Fielding break-in by E. Howard Hunt Jr., the former C.I.A. agent and member of the "plumbers" unit who was named as an unindicted co-conspirator in the indictment. Mr. Hunt was granted immunity to testify at the trial.

Judge Gesell, after listening to Mr. Martinez's plea, told him and Mr. 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 C.I.A.-sponsored anti-Castro activities, according to their testimony.

The central issue in the trial, for Mr. Ehrlichman, was whether or not he knew that a "covert operation that he acknowledged having approved was, in fact, an illegal entry into Dr. Fielding's office. "As you know," he said once again during his courthouse steps news conference, "It has been my consistent testimony that I personally had no knowledge that any kind of illegal or improper operation was going to be undertaken."

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mittee, was a member of the White House special investigations unit, known as the "plumbers." Their mission was to stop what President Nixon viewed as "leaks" of sensitive information to the press and public. The "plumbers" planned and carried out the Fielding break-in on Sept. 3, 1971.

The two others convicted of the conspiracy, Bernard L. Barker and Eugenio R. Martinez, were given suspended sentences by Judge Gesell, who placed them on probation for three years. He said they had been duped by high govern-

ment officials" and added "The court feels that you have been sufficiently punished."

The Fielding break-in was an attempt to obtain information about Dr. Ellsberg, who has said he gave to the press the secret study of the United States' involvement in Vietnam. Federal District Judge William Matthew Byrne Jr., presiding at the Pentagon papers trial last year, dismissed espionage, theft and conspiracy charges against Dr. Ellsberg and Anthony J. Russo Jr. when he learned of the break-in, charging that the Government had committed a host of illegal acts against the defendants.

Mr. Ehrlichman, whose family