

Judge Bars Guilty Plea By Hammer

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U.S. District Court Chief Judge William B. Jones yesterday withdrew a guilty plea entered by millionaire oilman Armand Hammer to charges of making illegal campaign contributions.

Jones entered an innocent plea for Hammer and ordered the Watergate special prosecutor's office to prepare to bring him to trial.

In an unusual court action, Jones rejected arguments from Hammer's attorneys that the guilty plea be allowed to stand and that Hammer be sentenced to probation immediately.

Hammer's attorneys claimed that their ailing 77-year-old client is guilty and should be allowed to maintain that plea rather than face a prolonged trial.

Judge Jones said he felt compelled to withdraw the plea over Hammer's objections because Jones did not think it had any factual basis, a legal requirement that must be met before a plea can be accepted.

The dispute arose after his Oct. 1 plea, when Hammer filed a lengthy letter with the probation office in which he essentially repudiated the plea and claimed he was duped by an employee into making the questionable campaign contributions.

The employee, former Montana Gov. Tim Babcock, has entered a guilty plea in the same case before another judge here and has received a 4-month prison sentence. Babcock is free pending the resolution of an appeal over the sentencing statute that was applied in his case.

Jones said yesterday that as soon as he read the letter by Hammer he called Hammer's

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attorneys and the special prosecutor's office to discuss the plea.

Arthur Groman of Los Angeles, who replaced Washington attorney Edward Bennett Williams as an attorney for Hammer after the plea was entered, said the document Hammer filed with the probation office was not meant as a repudiation of his guilty plea.

Instead, said Groman, the letter was "explication . . . the outpouring of the heart of a greatly troubled man."

Groman attempted to have a prominent California cardiologist called to the witness stand to discuss Hammer's heart condition and explain what effect a trial might have on him.

Jones refused to hear the doctor. Groman then said the doctor claimed that a trial might cause Hammer to suffer a fatal heart attack.

"This is not a capital offense. Dr. Hammer (who has a medical degree) should not face the peril of death," Groman said.

Watergate Special Prosecutor Charles Ruff had no comment on the judge's ruling.

The special prosecutor's office could decide not to proceed with any charges against Hammer. However, one source said that would be unlikely, especially since Babcock faces a jail term for essentially the same offense.

Hammer was charged on Oct. 1 with three misdemeanors concerning \$54,000 in illegal contributions to the re-election campaign of President Nixon.

Hammer, an art collector and a leader in U.S.-Soviet trade cooperation, is chairman of the board of Occidental Petroleum Co. If convicted, he faces a possible prison sentence of three years.