

# Liddy's Plea To Cut Term Is Rejected

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U. S. District Judge John J. Sirica yesterday refused to reduce the 20-year prison sentence he imposed on former White House aide G. Gordon Liddy, saying the convicted Watergate burglar has shown no "remorse or regret . . . contrition or sorrow" for his role in the break-in.

The ruling means Liddy, who has already spent 25 months in jail on his Watergate sentences, must be behind bars for at least another six years before he is eligible for parole. He has already spent more time in prison than any other Watergate criminal, and is serving the longest sentence meted out in the scandal.

Sirica also refused to set aside a \$40,000 fine he imposed on Liddy, saying the defendant could take a "pauper's oath" and serve an additional 30 days in prison instead of paying the fine if he does not have the money to pay when he finishes his jail term.

There is no normal route for Liddy to appeal further the length of his sentence, according to several lawyers.

Sirica specifically linked his refusal to reduce the sentence to Liddy's steadfast refusal to testify about his Watergate role. Eighteen of the 25 months Liddy has already spent in jail were to satisfy a contempt sentence handed out by Sirica because Liddy refused to testify before a grand jury after being granted immunity.

Other convicted Watergate defendants who have cooperated with various investigations have received lighter prison sentences from Judge Sirica and have even had those sentences reduced by the judge. For example, former White House Counsel John W. Dean III served only four months of a 1-to-3 year sentence.

In a six-page opinion filed yesterday afternoon, Judge Sirica again termed as "appropriate" the severity of

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the sentence he originally imposed on Liddy in March, 1973, for his conviction of conspiracy, wiretapping and burglary charges in connection with the 1972 break-in at the Democratic National Headquarters.

Since that original conviction, Liddy has been convicted of conspiracy to violate the civil rights of Pentagon papers codefendant Daniel Ellsberg's psychiatrist by breaking into his office, and of a charge of contempt of Congress for refusing to testify before a congressional subcommittee. His sentences for those two convictions are running concurrently with his sentence on the original charge.

"Subsequent to his conviction and sentencing in this case, the defendant had several opportunities to provide valuable assistance to governmental investigating units by testifying as to his knowledge of certain alleged illegal activities," Judge Sirica wrote. "Yet, he refused to cooperate."

" . . . This defendant has not shown the court the slightest remorse or regret for his actions, and has not given the court even a hint of contrition or sorrow, nor has he made any attempt to compensate for his illegal actions by trying to aid our system of justice in its search for the truth," the judge continued.

The judge said further that Liddy's "obstinate disregard for the processes of law is difficult for the court to comprehend."

" . . . The mitigating factors inherent in those cases in which a defendant has displayed some personal remorse or regret for his actions and has demonstrated a desire to reform his conduct to conform to the simple standards of a lawful society are absent in this case," Sirica said in reiterating that "no information" had been brought to his attention to indicate why he should reduce Liddy's sentence.

A motion to reduce a sentence must be filed with the sentencing judge within 120 days of final action on a case, in this case the final action was the Supreme Court's refusal in January to hear his appeal of his conviction. A judge can act on the motion at any time after it is filed.

Lawyers for criminal defendants routinely file such motions, and it is rare for the request to be granted.

However, in the Watergate cases Judge Sirica has reduced the original sentences of Dean, former White House aide Jeb Stuart Magruder, former Nixon re-election committee security chief James W. McCord, and former Nixon fund-raiser Herbert W. Kalmbach, all of whom have cooperated with the government. U.S. District Judge Gerhard A. Gesell reduced the sentence of former White House special counsel Charles Colson in a separate case because of various personal problems in Colson's family.

Judge Sirica also has before him a motion by Watergate co-conspirator E. Howard Hunt Jr. to reduce his sentence.

Liddy's motion to reduce included an affidavit by his mother, who said her son was her sole support. Liddy's father died a few months ago while his son was imprisoned.

Liddy's wife and five children live in Oxon Hill, Md.

After his original sentencing in January, 1973, Liddy spent about three months in jail before being called before the Watergate grand jury that was then investigating the cover-up of the break-in. He refused to testify, and was jailed for the next 18 months on a charge of contempt of court for that refusal.

After finishing his contempt term, Liddy was released on bond last October during the remaining appeal of his criminal conviction. His conviction was upheld by the U.S. Court of Appeals, and he returned to prison in Danbury, Conn., on Jan. 22 of this year. Liddy, 44, is a former FBI agent and assistant county prosecutor in New York state.