

Porter Gets 30 Days in Jail

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Herbert L. (Bart) Porter, former official in President Nixon's re-election campaign, was sentenced yesterday to 30 days in prison for lying to the FBI during its investigation of the Watergate break-in.

Porter's false testimony was critical in helping to preserve the cover-up early in the Watergate investigation, according to sources close to the original prosecution.

Judge William B. Bryant, in U.S. District Court, sentenced Porter to five to 15 months in

prison, and then suspended all but 30 days. Porter who will become 36 on Saturday, was put under one year's unsupervised probation.

The crime to which he pleaded guilty earlier this year was that on July 19, 1972, a month after the break-in at the Democratic National Committee headquarters at the Watergate, Porter "did knowingly and willfully make false, fictitious and fraudulent statements and representations to agents of the Federal Bureau of Investigation . . ." That charge carried a maximum of

five years' imprisonment and a fine of \$10,000.

The false version that Porter gave was that \$100,000 channeled to G. Gordon Liddy out of a secret cash fund was intended to protect President Nixon's surrogate campaigners from violence. As scheduling director of the Committee to Re-Elect the President, Porter was in charge of the surrogates who spoke throughout the country on Mr. Nixon's behalf.

The truth—as it later came

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out—was that the money was intended for political dirty tricks and that at least part of it helped pay for the Watergate break-in.

Jeb Stuart Magruder, deputy campaign director under John Mitchell, asked Porter to tell the false story.

The effect of the falsehood was to support Magruder's testimony to the prosecutors at a time when Magruder's version was being challenged by Hugh W. Sloan, Jr. of the re-election committee.

Liddy, for his part, was convicted in the first Watergate trial and is serving a six-year, 8 month sentence.

In court as Porter was sentenced were his wife, Carol, about a dozen or so personal friends, including Robert C. Odle, Jr., a former administrative director of the Committee to Re-Elect and now an official at the Department of Housing and Urban Development.

Porter's attorney, Charles Murray, Sr., stopped Porter from speaking to reporters after sentencing. Murray would say only that the judge had "acted in his highest sense of duty. We think the judgment is a fair one and that's all we better say about it."

Mrs. Porter, smiling, came up to her husband and put her arm around him and said that she was happy that the whole thing was over.

After the 35-minute hearing, outside the sixth floor courtroom, Porter encountered Seymour Glanzer, assistant U.S. attorney, one of the three prosecutors originally in charge of the Watergate probe. Glanzer was there for another case, and Porter went up to him and said a few words.

Glanzer said Porter had told him he was sorry what his false testimony had done to the original prosecution. "He was ashamed of this," Glanzer said.

The hearing opened at 9:55 a.m. with Porter's lawyer Murray making a strong presentation for leniency.

He cited more than 30 letters from friends and associates of Porter that attested to his "idealism and devotion to truth and right."

Murray said Porter "knew nothing of the cover-up—in fact, he was its first victim," and characterized Porter's lie as a "slight misstatement" that resulted from a "stand up conference made in less than five minutes" with Magruder. His loyalty to his organization and colleagues, Murray said,

"contributed to his difficulty."

He said Mr. Nixon was an idol to Porter, who had followed and supported him since Porter was a young boy. When Magruder invoked the Nixon name, "Porter made one departure from life-long truthfulness."

Porter, Murray pleaded, did not understand the import of substituting Magruder's version for what the money was really intended for.

When he did realize that he had been betrayed by his friends, Porter immediately went to the prosecutors with the truth and subsequently testified, as well, to the Senate Watergate committee on national TV.

Porter stood alongside his attorney, first with his hands folded in back, then in front.

He was meticulously groomed, with styled brown hair, wearing a gray suit and blue shirt and wire-rimmed glasses. His attorney said that Porter "has suffered more than most people do for more serious offenses" because of the loss of his good name. Further punishment would serve no deterrent purpose.

Assistant Watergate Special Prosecutor Richard Ben-Veniste then said that while he did "not intend to minimize the seriousness of the offense," that "in fairness to Porter," he had "cooperated fully with the special prosecutor's office."

If a misdemeanor charge, which carries a maximum of one year imprisonment, existed for such an offense, Ben-Veniste said, the special prosecutor's office would have accepted it. Porter's involvement in the cover-up "less in degree than others who pleaded guilty to felony charges," he said.

Judge Bryant noted that Porter had not lied once, but had repeated his false story two more times, to a grand jury and to the first Water-

gate trial.

Defense attorney Murray argued that Porter had made a wrong decision and tragically "there was no truning back. Porter had no knowledge of a massive concealment."

Judge Bryant, picking up a phrase made famous during the Senate hearings, responded:

"There comes a time when you can't be misled that far . . . when he must have known it wasn't a little white lie."

The judge pointed out that in fact Porter came to the prosecutors only after Magruder had told Porter that Ma-

gruder himself had told the truth to the investigators.

The judge said that after the "cover was blown from his story . . . then he became contrite."

Speaking on his own behalf, Porter said that there did come a time in the spring of 1973 when he became suspicious.

Before Magruder informed Porter that he had gone to prosecutors, Porter said he talked to Paul O'Brien, Washington attorney who represented the Committee to Re-Elect, and told O'Brien of his intention to go to the prosecutors. And he went to the prosecutors, he said, as soon as practical.

"I have learned a hard lesson . . . to tell many times to my children and anyone else who will listen. With deepest regret, I ask the court's leniency."

The judge said he was taking everything into account and was aware of Porter's roots in California, where Porter said he was running his father-in-law's construction business in Laguna Niguel.

Porter was instructed to report to the U.S. marshal's office in Los Angeles no later than April 22 and is to serve his term in the Lompoc minimum security federal correctional facility at Vandenberg Air Force Base, 160 miles northwest of Los Angeles.

Murray said that the Porters were returning to California yesterday or today to join their three children.

Talking briefly with reporters outside the courthouse, Porter compared his "fair and just" sentence with paternal spankings for boyhood misdeeds and said "the spanking didn't hurt as much as waiting for it."

Porter said he had not heard from President Nixon since his story became known, but "that doesn't bother me at all."

"Would you do it again for the President?" a reporter asked.

Porter laughed drily and walked off with his wife toward their car.