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Babcock Given Jail Term, Fine



TIM M. BABCOCK

... relayed campaign gift

By Timothy S. Robinson
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Former Montana Gov. Tim M. Babcock was sentenced to four months in jail and fined \$1,000 yesterday for relaying an illegal \$54,000 campaign contribution from oil magnate Armand Hammer to President Nixon's 1972 re-election campaign.

"When you broke the law, you knew you were breaking it, and thereafter you tried to cover it up..." U.S. District Court Chief Judge George L. Hart Jr. told Babcock during the sentencing.

Babcock could appeal the sentence even though he pleaded guilty, because there is a legal argument over alleged ambiguities in the pun-

ishment section of the 1971 Federal Election Campaign Act involved.

If he decides to appeal, he will remain free on personal bond. Otherwise he must report to the federal prison at Lompoc, Calif., on March 3.

Hammer himself is the subject of an ongoing investigation into the illegal contribution, sources in the Watergate special prosecutor's office have confirmed.

Babcock pleaded guilty Dec. 10 to making the contributions on Hammer's behalf in the names of four other employees of the Occidental Petroleum Co., a Los Angeles firm that is headed by Hammer.

Babcock, 55, is a Republican who served as governor of Montana from 1962 to 1969. He

is now a businessman in Helena, Mont., and at the time of the contribution was vice president of an Occidental subsidiary.

The only apparent reason for the use of Babcock as a go-between was to preserve the anonymity of the contribution from Hammer, investigators have said.

Babcock's attorney, Raymond Larrocca, said yesterday that his client was not the "principal actor in this story," but rather someone who was attempting to help his superior maintain corporate anonymity.

There was no personal gain or profit from his actions, Larrocca said in asking that Babcock be spared the "humiliation" of a jail term.

in '72 Campaign Gift Violation

Babcock's only mistake, Larrocca continued, was "in trying to help a good cause in a way he knew was wrong."

Babcock, who before sentencing had told the judge "I deeply regret the errors in judgment I made," appeared shocked when Hart sentenced him to prison.

Hart intoned: "Mr. Babcock, in your case you were not some untutored underling who had to dance to the tune of a boss. You were independently wealthy..."

"You could have told Hammer you had no intention of assisting him in breaking the law and have been impervious to any penalty of any sort that meant anything."

Assistant Watergate Special Prosecutor Thomas F. Mc-

Bride did not take a position on sentencing but made clear that the prosecutor's office believed Babcock could be sentenced to jail under the statute.

Babcock's attorneys interpret the law differently, saying that since he entered his plea in the form of a pre-indictment charge, no jail term can be imposed as the law is now worded.

Babcock has agreed to testify on the government's behalf in any further action.

Two other current or former Occidental employees have been granted immunity from prosecution and have also agreed to testify for the government.

Hammer, whose firm has been involved in two massive

trade deals with the Soviet Union in the past two years, gave a total of \$100,000 to the Nixon re-election campaign, according to campaign financial records and disclosures by the special prosecutor's office.

Hammer gave \$46,000 in cash during a secret fund-raising drive before a new campaign contribution law took effect in April, 1972, in addition to the \$54,000 that Babcock has admitted handling, according to those records.

Hammer, 76, is a noted patron of the arts, and has been chairman of the board and president of Occidental since 1957.

Babcock is the fourth Watergate-related defendant sentenced to a jail term by Hart. Former White House aide Ed-

ward Morgan was sentenced to one month in jail for backdating a deed for President Nixon, and milk lobbyists Harold Nelson and David Parr were sentenced to four months each for conspiring to make illegal campaign contributions.

Hart has given other Watergate-related defendants, notably former Attorney General Richard D. Kleindienst, sentences that did not include jail terms. Kleindienst, for example, was placed on one month's unsupervised probation for failing to testify fully to a congressional committee.

Hart gave similar sentences to former White House aides Harry Dent and Jack Gleason, who pleaded guilty to illegal campaign fund-raising activities.