

Election Aide Perjured Self On Watergate

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Former White House and Nixon campaign official Herbert Lloyd Porter testified yesterday that he had committed perjury both before the Watergate grand jury in 1972 and at the Watergate trial last January.

Porter said that deputy Nixon campaign manager Jeb Stuart Magruder had asked him to lie at both court proceedings and in an interview with the FBI in order to corroborate a false story Magruder himself had testified to concerning campaign money paid to Watergate conspirator G. Gordon Liddy.

Porter's admission represented the first time that a prosecution witness at the Watergate trial has told the Senate select Watergate committee that he committed perjury as part of the cover-up of involvement of Nixon campaign officials in the bugging of the Democrats' Watergate headquarters.

However, Porter stressed in his opening statement to the Senate committee yesterday that he did not realize at the time that he was participating in the Watergate cover-up.

"At no time did I ever have any intention of covering up a criminal act," Porter told the senators. "At no time did I knowingly engage in any cover-up of the Watergate burglary. I had no knowledge of the Watergate burglary. And up to this very moment, I have no knowledge of the involvement of others.

"I have been guilty of a deep sense of loyalty to the President of the United States," Porter added. "The facts will speak for themselves."

Porter was the second witness to tell the committee about an approach from Magruder urging that perjured testimony be given to the Watergate grand jury.

Former Nixon campaign treasurer Hugh W. Sloan Jr. told the committee Wednesday that Magruder also had asked him to lie about the amount of money that Liddy had been given with Magruder's approval. Sloan told the committee, however, that he, unlike Porter, had rejected Magruder's request.

According to Porter's story, he was an unwitting dupe of Magruder who told him that he had no involvement with the Watergate burglary. But Magruder also told Porter that if the true purpose of the money given to Liddy were revealed, even though the purpose was legal, Magruder said, it would be embarrassing and damaging to the Committee

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for the Re-election of the President.

In a quiet, matter-of-fact voice, Porter, 35, told the Senate committee and the hushed crowd of spectators yesterday how Magruder had come to him with the request and how he had immediately agreed. Porter's tone was so bland that it was difficult to realize that he was confessing to perjury.

On about June 28 or 29, some 11 or 12 days after five men were arrested inside the Democratic National Committee's Watergate headquarters, Porter said Magruder asked him to come into Magruder's office.

Magruder Porter said, had just come from a meeting with campaign manager John N. Mitchell, Frederick C. LaRue (an aide to Mitchell) and one other person whom Porter said he could not remember. Porter said Magruder told him that Porter's name "had come up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect."

Porter then told the committee of Magruder's request:

"He (Magruder) said that I believe at that time Mr. Liddy had been fired from the campaign. He said it was apparent, was the word he used, that Mr. Liddy and others had, on their own, illegally participated in the break-in of the Watergate Democratic National Committee, and Mr. Magruder swore to me that neither he nor anyone else higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, 'Doesn't that sound like something stupid that Gordon would do?' and you have to know Mr. Liddy, I agreed with that.

"He (Magruder) said, 'I want to assure you now that no one did.'

"He (Magruder) said, however, 'There is a problem with some of the money.' He said, 'Now Gordon was authorized money for some dirty tricks, nothing illegal,' he said, but nonetheless, 'things that could be very embarrassing to the President of the United States and to Mr. Mitchell and (White House chief of staff) Mr. (H. R.) Haldeman and others.'

"Now your name was brought up as someone who

we can count on to help in this situation,' and I asked, what is it you are asking me to do, and he said, 'Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing.'

"He (Magruder) said, 'You are aware that the Democrats have filed a civil suit against this committee?'

"I said, 'Yes, I have read that in the paper.'

"He said, 'Do you know what immediate discovery is?'

"(Magruder said) 'They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records, and you know what would happen if they did that.'

"I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, 'Well, be specific.'

"And he (Magruder) said, 'Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies and so forth,' and I said, 'Yes,' and he said, 'Suppose that we had authorized Liddy, instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups.' He said, 'How could such a program could have cost \$100,000?'

"And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, 'Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, over a period of 10 months.' Mr. Magruder had prefaced his remark by saying from December on. And I said, 'You can pay them \$1,000 a month, which they would take their expenses out of that,' and I said, 'That is \$100,000.'

"And he said, 'That is right.' He said, 'Would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?'

"That was the net effect, the net of his question. I thought for a moment and I said, 'Yes, I probably would do that.' I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that, and that was the end of the conversation."

Subsequently, Porter testified yesterday, he told the FBI, the grand jury and the jurors in the Watergate trial the same story he and Magruder had arranged during that June meeting.

In the Watergate trial, Magruder appeared as a wit-

ness before Porter did on Jan. 23, and testified that Liddy was allocated \$100,000 to gather intelligence on possible violence against "surrogate" candidates who were speaking for Mr. Nixon in the primaries.

Magruder also testified that another \$150,000 was appropriated for Liddy to gather intelligence about possible violence at the Republican National Convention. Magruder said that Liddy actually received \$199,000 of the \$250,000 that had been appropriated for these assignments.

In fact, according to other testimony at the Watergate trial, that money was used, at least in part, for the financing of the Watergate bugging.

Former Nixon campaign treasurer Sloan had testified before the Senate committee Wednesday that he warned the Watergate prosecutors, without effect, before the trial that Magruder had unsuccessfully tried to get him to commit perjury by agreeing that Liddy had received only \$45,000.

Porter said yesterday that Magruder also had asked him to "increase the amount of money that I was going to say that I gave to Mr. Liddy, and I said, no, I would not do that. He (Magruder) said, 'Why not?'"

"I said because I just absolutely, I did not give him that amount of money and I will not say I gave that amount of money.

"I said, 'The conversation that you are asking me to relate, I can conceive of it happening because I would have told you that in December if you had asked me.' And that is a strange answer, but that is the answer I gave him (Magruder)."

Porter said Magruder did not explain why he wanted the higher figure used. Porter told the committee he did not inform the prosecutors before the trial that Magruder had asked him to fabricate a story.

At the Watergate trial, Porter corroborated Magruder's story by testifying:

"There was a general discussion on what something like that (an intelligence-gathering activity) might cost," Porter said at the trial, "and I figured right off the top of my head, figured it might cost as much as \$100,000 from that period of time (December) until the actual election.

"I based that on perhaps the use of 10 college-age people who might be able to assimilate themselves into such organizations as the Yippies and the SDS and other such radical groups, and perhaps paying them \$500 a month for 10 months and another \$500 expenses, which would be about \$10,000 a month and for 10 months would be around \$100,000, so that figure was discussed, yes."

Under questioning by Fred Thompson, minority counsel to the Senate committee, Porter admitted yesterday that this testimony of his at the trial was false:

Thompson: Mr. Porter, as I understand it, your statement here this afternoon is to the effect that you agreed with Mr. Magruder that you would tell the grand jury a false story, is that correct?

Porter: What I agreed to specifically, Mr. Thompson, was that I would agree initially to corroborate a story that Mr. Magruder was going to tell to the FBI, which I felt was, in effect, replacing one lawful authorization for another lawful authorization.

Thompson: Well, was it or was it not a false story?

Porter: Yes, that is absolutely correct, it was a false statement.

Thompson: Well, you gave this false statement to the grand jury.

Porter: Yes, sir.

Thompson: And you gave it at the trial in January.

Porter: Yes, sir.

Porter told the Senate committee that in April, Magruder called him in New York and told him, "Things are getting a little hot down here."

Porter said he told Magruder he did not understand because, "Jeb . . . you have always indicated to me that you were not involved in any of these matters." Magruder, Porter said, told him he would keep him informed.

Two days later, Porter said, Magruder told him to talk to Paul O'Brien, one of the re-election committee lawyers, and tell him to call principal Assistant United States Attorney Earl J. Sil-

bert to arrange a meeting, "and tell Earl what you know."

Porter said he told Magruder, "Jeb, you realize you are asking me to, in effect, put one of your feet in a 6-foot-deep hole."

"He said, 'Yes, I know that, but,' he said, 'I got you into this and, ' he said, 'the least I can do is help you get out of it.'"

Ultimately, Porter said, he did talk to the prosecutors on April 13, telling them what he told the committee yesterday.

Although Porter said that one of Magruder's lawyers, James Sharp, had told Porter that as a courtesy Porter would be allowed to talk to the prosecutors first, Porter learned from Magruder on April 14 that Magruder had met with the prosecutors that morning.

Porter said Magruder told him Sharp had arranged the meeting the night before, when he had assured Porter that he could speak to the prosecutors before Magruder.

During his discussion with Magruder on April 14, Porter said, Magruder told him he had just come from a meeting at the White House. Magruder, Porter said, told him, "It is all over," and I said, "What do you mean, it is all over?"

"He said, 'It is all over. The President has directed everybody to tell the truth.' Those were his exact words. He said, 'I had a meeting with Mr. (John D.) Ehrlichman (special assistant to the President and I told him the whole story and boy, was he really shocked,' words to that effect."

In that same conversation with Magruder, Porter said, he was told that "several" persons were going to be indicted and that Mitchell "was going to deny complicity until the end."

Porter was also pressed by Sen. Howard H. Baker Jr. (R-Tenn.) to explain how he agreed to participate, by passing money to Liddy, in "dirty tricks" during the campaign even if Porter believed the activity to be legal. "Did you ever have any doubt in your mind about the propriety of this," Baker asked Porter.

"I think the thought crossed my mind, senator," Porter replied, after Baker asked him the question several times. "In all honesty, that I really could not see what effect it had on re-electing a President of the United States. On the other, in all fairness, I was not the one to stand up in a meeting and say that this should be stopped, either. So I do not — I mean, there is a space in between. I kind of drifted along."

"Where does the system break down," Baker asked, "when concern for what is right as distinguished from what is legal is never asserted or never thought about, and you do not stand up and say no? At any time; did you ever think of saying, I do not think this is quite right, this is not quite the way it ought to be? Did you ever think of that?"

Porter: I think most people would probably stop and think about that.

Baker: Did you?

Porter: Yes, I did.

Baker: What did you do about it?

Porter: I did not do anything.

Baker: Why didn't you?

Porter: In all honesty, probably because of the fear of group pressure that would ensue, of not being a team player.