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SIRICA RULES OUT LONG TERMS FOR 5

Says Watergate Burglars Won't Get Maximums— Segretti Pleads Guilty

By ANTHONY RIPLEY

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WASHINGTON, Oct. 1—Chief Judge John J. Sirica of United States District Court brought five of the Watergate burglars into his courtroom today and told them he did not plan to give them maximum sentences.

In the unusual move this morning, Judge Sirica told the five, all of whom had pleaded guilty at the beginning of their trial in January, that published reports of long sentences ranging up to 55 years were false. He said such sentences would be "not only unwarranted but unjust."

In another courtroom this afternoon, Donald H. Segretti, who was hired by President Nixon's White House aides to play tricks on the Democratic presidential contenders, pleaded guilty to three misdemeanor charges for his actions in the 1972 Florida Democratic primary.

The five men from the original Watergate case—E. Howard Hunt Jr., Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzalez—were called to the court by Judge Sirica.

"I want to say at the outset

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that I have been disturbed lately over what appears to be a widespread misunderstanding relating to the sentences imposed upon these defendants last March after the trial," he said.

"I want to take this opportunity, therefore, to disabuse the public mind in this respect, and, in addition, fairness to these men also not only requires but demands that any misunderstanding that they may have with regard to the situation in which they find themselves be clarified."

The judge explained that under the law he is required to give the maximum possible sentences on a temporary basis while the court seeks more detailed information as a basis for final sentencing.

Under such maximum sen-

tencing, Hunt faced a temporary sentence of 50 years and the other four 55 years each.

"In this case, such a disposition would not only be unwarranted but unjust," Judge Sirica said.

He said the sentences would be based on presentencing reports, on the law and on "fairness, compassion, understanding and justice."

'Not the Fact'

He said it had been "widely reported" that the sentences were permanent and would run "30, 40 or 55 years."

"This is not the fact," he stated.

Part of the confusion was generated by Hunt in his appearance before the Senate Watergate committee on Sept. 24 when he said, "I was provisionally sentenced to prison for more than 30 years."

The word "provisionally" was not mentioned in some news reports of Hunt's appearance.

Of the seven original Watergate defendants, only G. Gordon Liddy has received a permanent sentence. Judge Sirica ordered his imprisonment for from six years and eight months to 20 years.

James W. McCord Jr., who has been cooperating with the prosecution, has not yet gone to prison. The other five who appeared in court today are all serving provisional sentences. All but Liddy have filed appeals seeking to set aside their guilty pleas and asking for new trials.

Segretti and his lawyers, Victor Sherman of Los Angeles and Plato Cacheris of Washington, appeared before Federal District Judge Gerhard A. Gesell.

Case Was Transferred

Segretti had been charged in an indictment originally brought by a United States attorney in Florida. The case was transferred here and expanded from two to four counts. Today he pleaded guilty to a conspiracy charge and to two charges of distributing campaign literature that failed to contain the names of those responsible for printing it.

The maximum penalty for conviction on the three charges is a \$3,000 fine and three years in prison.

However, Segretti has agreed to work with the special Watergate prosecutor, Archibald Cox, and his cooperation is expected to shorten the length of his sentence.

One of the charges against him was dropped as part of an

arrangement with Mr. Cox. A letter explaining that arrangement was submitted to the court and sealed at the request of Segretti's lawyer.

"You tell me what you did," Judge Gesell said to Segretti, a California lawyer.

Segretti, speaking in a voice that at times was barely audible, spoke of giving \$50 to Robert M. Benz to work with him. He said that letters had been sent out on the campaign stationery of Senator Edmund S. Muskie of Maine "relating to" Senator Hubert H. Humphrey of Minnesota and Senator Henry M. Jackson of Washington.

All three Senators were Democratic Presidential hopefuls and were entered in the Florida primary. The letter alleged that Senators Humphrey and Jackson had been involved in sexual misconduct.

"At a later time Mr. Benz had a card printed relating to Governor Wallace," Segretti said.

Mr. Benz, named as a co-conspirator but not indicted in the case, went to one of Alabama Gov. George C. Wallace's rallies in Pinellas County, Fla., on Feb. 12, 1972, distributing cards that read, "If you liked Hitler, you'll love Wallace . . ." and urging a vote for Mr. Muskie.

Mr. Benz also distributed posters saying, "Help Muskie support our children now."

"Did you understand what you were doing and that you did it on purpose and not by mistake?" the judge asked.

"Yes sir," Segretti replied.

Dropped Charge

The charge dropped by agreement today involved sending letters on Senator Muskie's stationery saying that a Florida Congressman's office personnel and equipment were being used to support Mr. Muskie.

Segretti was released on personal recognizance. No date was set for sentencing.

He then moved to Judge Sirica's courtroom, where the judge signed orders granting him limited immunity from prosecution in testifying before Mr. Cox's grand jury and before the Senate Watergate committee.

The order protects him from having his words used against him later in a criminal case and also forces him to testify.

Also granted limited or "use" immunity for Senate committee appearances by Judge Sirica were Mr. Benz and another of Segretti's Florida associates, Martin Douglas Kelly. All three are among witnesses who may appear before the committee later this week. The hearings are scheduled to resume Wednesday.



United Press International
Sidney S. Sachs, lawyer for E. Howard Hunt Jr., leaving court in Washington yesterday after hearing on Watergate.



United Press International
Donald H. Segretti leaving Federal Court yesterday in Washington after pleading guilty in Florida case.