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**EX-CAMPAIGN AIDE
MAY ADMIT GUILT**

**Porter, Charged With Lying
to F.B.I., Waives Formal
Indictment Before Sirica**

By **ANTHONY RIPLEY**

Special to The New York Times

WASHINGTON, Jan. 21 — Herbert L. Porter, former scheduling director for the Committee for the Re-election of the President, waived today a formal indictment on a charge of lying to the F.B.I. and is apparently prepared to admit his guilt.

Mr. Porter, who said he was thought of as a "team player" and who wore his first Nixon button when he was 8 years old, was the subject of a criminal information filed today by the Watergate special prosecutor's office.

Chief Judge John J. Sirica of United States District Court accepted the waiver of indictment and assigned the case to Judge William P. Bryant. Judge Bryant was ill and the hearing was set for 9:30 A.M. Monday.

Mr. Porter's lawyer, Charles B. Murray, said, "I can't say he is going to plead guilty, but there will be a disposition of the case."

He told reporters they could "figure that out."

The case was the first to grow directly from testimony before the Senate Watergate Committee. Mr. Porter appeared before the committee but did not ask for immunity from prosecution.

He told the committee last

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June 7 that, beginning in December, 1971, he gave about \$35,000 to G. Gordon Liddy, later convicted in the burglary of the Democratic National Headquarters at the Watergate complex.

Mr. Porter said he had drawn the funds from Hugh W. Sloan, former campaign treasurer, and given them to Mr. Liddy for "dirty tricks and other special projects."

Ten or 11 days after the burglars were caught, Mr. Porter told the Senators, Jeb Stuart Magruder, second in command at the re-election committee, called him in and discussed the payments to Mr. Liddy.

"There is a problem with

some of the money," Mr. Porter said he recalled Mr. Magruder's telling him.

'Dirty Tricks'

"Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. 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 more legitimate sounding than dirty tricks. Even though the dirty tricks were legal, it still would be very embarrassing.'"

The references were to Mr. Nixon's former campaign chairman and Attorney General, John N. Mitchell, and the former White House chief of staff, H. R. Haldeman.

Mr. Porter said that he had invented a rationale for spending \$100,000—\$1,000 a month to 10 college-age students for infiltrating radical groups.

He said they agreed that Mr. Magruder would tell such a story to investigators and that Mr. Porter would back it up.

When agents of the Federal Bureau of Investigation interviewed him, Mr. Porter said he told them the pre-arranged

cover story. He said he also told it to the Watergate grand jury and at the first Watergate trial.

Mr. Magruder has since pleaded guilty to conspiracy to obstruct justice and has agreed to cooperate with the criminal investigation. Mr. Porter, too, is believed ready to cooperate.

The charge filed against Mr. Porter comes under the unusually broad fraud and false statements section of Title 18 of the United States Criminal Code.

5 Years in Prison

The section makes it a felony for anyone to make a statement he knows is false "in any matter within the jurisdiction of any department or agency of the United States."

The maximum penalty is five years in prison and a \$10,000 fine.

The charge differs from per-

jury, which always involves taking an oath and then violating it. In the case brought today, no oath was involved.

Oaths were taken before the grand jury and at the trial. The special prosecutor, Leon Jaworski, however, chose not to bring perjury charges, a matter apparently disposed of during negotiations with Mr. Porter's lawyer.

Mr. Porter, 35, of Laguna Niguel, Calif., spoke to reporters in the courtroom while awaiting the appearance of Judge Sirica.

He described the loss of a job with a major corporation, which he declined to identify, whose officers became "nervous" over his role in the Watergate hearings. He also told about the necessity of selling an expensive home in California at a large loss.

But, he said, he is "a much



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Herbert L. Porter

happier person now, doing what I'm doing." He works for his father-in-law in a small construction company.