

Porter Gets 30-Day Term For Lying on Watergate

Special to The New York Times

WASHINGTON, April 11 — Herbert L. Porter, a former aide in the re-election campaign of President Nixon, was sentenced today to 15 months in prison for lying to the Federal Bureau of Investigation in its Watergate inquiry. But a Federal district judge suspended all except 30 days of the sentence.

Tanned and relaxed, Mr. Porter stood calmly as Judge William B. Bryant pronounced the sentence. Moments before Mr. Porter had told the judge:

"I don't want to diminish my guilt. However, I am absolutely positive in my heart, down to my toes, that I will never get into trouble again."

The sentence given Mr. Porter, who was scheduling director for the Committee for the Re-Election of the President, was the lightest of any of those convicted in the Watergate scandals. He could have received a maximum sentence of five years in prison plus a \$10,000 fine.

Term Starts April 22

Mr. Porter, who pleaded guilty last Jan. 28 to the charge of lying to the F.B.I. about what he knew of the Watergate burglary, will begin his sentence on April 22 in the Federal minimum security prison inompoc, Calif.

Mr. Porter told the bureau's investigators a false story in July, 1972, about the transfer of \$35,000 of campaign funds to G. Gordon Liddy, who was convicted in the Watergate burglary of the Democrats' headquarters.

Under questioning by agents, Mr. Porter said the money had been used to help conservative college students to infiltrate

radical groups. Later, Mr. Porter admitted to the Senate Watergate committee that he had followed the order of his superior in telling this story, instead of the truth, — that the money had gone to Mr. Liddy for "dirty tricks."

Federal law prohibits anyone from knowingly making false statements in any form to any agency of the United States Government. This offense differs from perjury, which always pertains to lying under oath. In this case, no oath was involved.

Skepticism by Judge

Judge Bryant noted that Mr. Porter had told the same false story under oath to a Watergate grand jury and at the 1973 trial of the Watergate break-in defendants.

"It seems to me that had not the finger pointed in your direction, you would not have come forward," the judge said.

Charles B. Murray, Mr. Porter's attorney, responded to the judge's remarks by saying:

"Nixon was an idol to him. No other name in the world would have caused him to make a departure from a lifetime of truthfulness. He made the decision [to follow his superior's orders] in five minutes, there was no turning back."

After the sentencing, Mr. Porter, standing with his wife and friends, called the sentence "very fair."

In related Watergate developments, Judge Gerhard A. Gesell denied today a motion by Felipe de Diego to have the trial of John D. Ehrlichman separated from his own trial. Both men were among the six indicted on March 7 in the break-in at



Associated Press

Herbert L. Porter with his wife in Washington after he was sentenced to 30 days for lying to the F.B.I. about Watergate. The sentence begins April 22.

the Los Angeles office of Dr. Daniel Ellsberg's former psychiatrist.

In a brief ruling, Judge Gesell said that "the courts are properly joined" and that "no showing has been made" requiring the court to split up the case for trial.

Judge Gesell scheduled the trial for the six defendants for June 17. He also granted a motion by Daniel E. Schultz, lawyer for two of the defendants, asking that Henry B. Rothblatt

be disqualified from representing Mr. de Diego.

Judge Gesell said that "a diversity of interest" may arise among the defendants because of Mr. Rothblatt's earlier role.

Mr. Rothblatt, reached in Florida, said in a telephone interview, "I think that my client has a Sixth Amendment right to counsel of his own choosing." He indicated that he would appeal the decision to the Court of Appeals.