

# Occidental's Hammer Told to Stand Trial

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Nullifying of Guilty  
Plea Spurs Action

WASHINGTON, Dec. 12 (AP) —Armand Hammer, the chairman of the Occidental Petroleum Corporation, was ordered today to stand trial on charges of violating Federal campaign law after a United States District Court Judge nullified his guilty plea.

Judge William B. Jones Jr. decided in effect that Dr. Hammer had withdrawn a guilty plea entered on Oct. 11 although Hammer's lawyers insisted he admitted concealing \$54,000 in contributions to the 1972 Nixon re-election campaign.

The slightly, gray Dr. Hammer, an internationally known industrialist and art patron, sat quietly through the hearing. His attorneys said he was suffering from a potentially fatal heart condition.

The special Watergate prosecutor's office has said that the 77-year-old Dr. Hammer, who started his business career in the Soviet Union around 1920, also took part in an attempt to block an investigation of



Dr. Armand Hammer

the contributions. Dr. Hammer did not enter a plea to those charges.

Dr. Hammer's lawyer, Arthur Groman, said the continued stress of the extraordinary court case could easily bring on a heart attack for the industrialist.

"This is not a capital of

## Violation of Federal Law Is Charged

fense," Mr. Groman said during the hearing. "Dr. Hammer should not be exposed to the peril of death."

Judge Jones acted after reading an Oct. 27 letter Dr. Hammer sent to the Federal probation office in Los Angeles as a preliminary to Dr. Hammer's sentencing on the campaign violation.

The judge read from the letter that Dr. Hammer had negated the guilty plea.

"I withdraw the guilty plea," the judge said, "and I enter a plea of not guilty on all of the three misdemeanor counts" in the original charge.

Dr. Hammer's lawyer urged the judge to allow the guilty plea to stand and, citing Dr. Hammer's heart problems, asked for immediate sentencing.

He said doctors chosen by Dr. Hammer and the special prosecutor's office had found his life to be in danger.

"Two of the doctors said

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## HAMMER ORDERED TO STAND TRIAL

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even the mere pronouncement of a sentence of imprisonment could produce this fatal result," Mr. Groman said.

Mr. Groman was accompanied by Dr. Jeremy Swann, a Los Angeles heart specialist, prepared to testify about Dr. Hammer's health.

Asked if Dr. Swann could take the witness stand, Judge Jones replied, "I didn't ask him to come here today anyway."

At issue in the judge's nullification of the plea is a legal requirement that it be made without reservation.

At the Oct. 1 hearing where Dr. Hammer entered his guilty plea, he initially declined to acknowledge that he could be sentenced to jail for a maximum of three years.

An ambiguous section of the campaign financing law, which Dr. Hammer admittedly violated, leaves the potential penalty uncertain if the issue is still in doubt.

After a recess in the hearing, Dr. Hammer returned and entered the plea then accepted by Judge Jones.

Dr. Hammer, chairman since 1957 of the Los Angeles-based Occidental Petroleum Corporation, acknowledged channeling three separate contributions to the Nixon campaign in the fall of 1972.

A law now then required disclosure of each donor's identity after April 7, 1972.

Despite his earlier guilty plea, Dr. Hammer said in his letter to the Los Angeles probation office that he believes all contributions to the Nixon campaign were made before that cutoff date.

The \$54,000 cash contribution to Nixon was given by Dr. Hammer to former Gov. Tim M. Babcock of Montana, at the time a vice president in Occidental's Washington office.

In his letter to the probation office, Dr. Hammer said Governor Babcock took \$4,000 of the contributions "for his own purposes."

"The fact is I was the victim, not the principle," Dr. Hammer said.

Dr. Hammer said the Oct. 1 hearing at which he pleaded guilty created the impression "that Babcock served me instead of the truth that he unwarrantedly involved me in his own misdeeds. He was not my agent."

Governor Babcock pleaded guilty to similar charges Dec. 10, 1974, and is now appealing a four-month jail sentence and a fine of \$1,000.

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