

McCord statement, NYTimes 3/2/74: First time I've seen any of these. JL is supposed to provide all but has not. No recollection reporting his charge of silence against prosecutors, which seems to be proper. He also seems to say that the 3/21 meeting was the day after Sirica read McCord's letter. Recall my earlier references to 3/19? I believe that is the day McCord wrote it or gave it to his parole officer. Or, assuming OL had had no earlier knowledge, which I do not, this meant there could be no more delay in telling him. Or he might be reading in the papers what he did not know. Or some feared their heads would roll. The timing with relationship to the McCord letter seems to have been pretty well ignored. MW 3/25/74

Not seen elsewhere

# Text of a Statement by McCord on Nixon's Hush-Money Remark

## Persons Cited by McCord

Special to The New York Times

WASHINGTON, March 8—Following is the text of a statement by James A. McCord Jr., a Watergate defendant, regarding President Nixon's statements on the payment of hush money to the Watergate burglars:

President Richard Nixon made an astounding admission last night [Wednesday] which, had he made these facts known on March 21, 1973, would have profoundly affected the Watergate proceedings of March 23, 1973, and would have overturned the convictions of the seven Watergate defendants.

President Richard Nixon admitted last night that John Dean told him that payments had been made to the Watergate defendants for the purpose of keeping them quiet, which President Nixon stated "would have been obstruction of justice."

This is a fantastic admission by a President, because only the day before my sealed letter to Judge Sirica had been opened by Judge Sirica which asserted "there was political pressure applied to the defendants to plead guilty and remain silent."

The trial was still technically in process, in that sentencing was due March 23, 1973, two days after Nixon's conversation with John Dean. The President suppressed and concealed this evidence from the court. The Federal misprision of a felon statute, Title 18 section 4, states, "Whoever having knowledge of the actual commission of a felony cognizable by a court of the United States,

conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States shall be fined not more than \$500 or imprisoned not more than three years or both."

President Nixon neither immediately nor known to Judge Sirica, nor to his Attorney General, nor to the director of the F.B.I., nor to the prosecutor, the obstruction of justice information given him by Dean on March 21.

Yet only seven weeks later Judge William Byrne threw out the Ellsberg case in Los Angeles for identically the same substantive reasons, the concealment of evidence by the Government, stating that the case had been incredibly infected by this Government concealment and wrongdoing.

Had President Nixon either immediately furnished the information to Judge Sirica or ordered Dean to immediately do so, my claim to Judge Sirica in my letter of political pressure on the defendants to remain silent would have been immediately corroborated and all seven convictions or pleas would have had to be thrown out on the same grounds that Judge Byrne dismissed his case.

missed. How occupied can a trial be before it is done in the interests of fairness and justice?

John J. Caulfield—Former White House aide, now serving a prison term for the Watergate burglary.

John W. Dean 3d—Former White House counsel, pleaded guilty to charges of obstructing justice.

John D. Ehrlichman—Formerly the President's chief assistant for domestic affairs, indicted for the break-in at the office of Dr. Daniel Ellsberg's former psychiatrist and in the Watergate cover-up.

Herbert I. Porter—Former re-election director for the re-election campaign committee, pleaded guilty to lying to an F.B.I. agent.

There has been admitted subornation of perjury of Hugh Sloan by Magruder, Nixon's top aides Haldeman and Ehrlichman have admitted under oath knowledge prior to the 1973 trial of the two planning meetings held in the Attorney General's office on Jan. 23 and Feb. 4, 1972, planning whiskapping of the Democrats. Yet they concealed this knowledge from the 1973 Watergate trial jury.

Patrick Gray 3d—Former director of the Federal Bureau of Investigation.

H. R. Haldeman—Former White House chief of staff, indicted in the Watergate cover-up.

John J. Sirica—Chief judge of the United States District Court for the District of Columbia.

I can only conclude that maintaining a record of convictions is of more importance to the prosecutors than fairness and justice in our cases, and that the concealment of evidence of Federal crimes by the President of the United States and by one of his top aides, John Dean, constitutes, in the eyes of the President, faithfully executing the law.

How low the Administration has fallen in this nation, by those who are charged by their oath of office with upholding the Fifth and 14th Amendments, involving due process and the equal protection of the law to all of our citizens.

Howard Hunt Jr.—Former White House consultant, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States shall be fined not more than \$500 or imprisoned not more than three years or both."

Anthony T. Ulasewicz—Former aide to Mr. Caulfield and former New York City police detective.

Hugh Sloan—Former treasurer for the Finance Committee to Re-Elect the President.

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I cannot stand by and remain mute knowing that the admitted acts of a President, during my trial, should have both the prosecutors and the judge before the Circuit Court of Appeals today requesting that my conviction and that of Liddy's be immediately dismissed. How occupied can a trial be before it is done in the interests of fairness and justice?

Ellsberg Case Noted

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