

Excerpts from testimony

Chitrib 5/25/73

WASHINGTON, May 24 [UPI]—Excerpts of testimony from the Senate Watergate committee. Gerald Alch, former attorney for James McCord, was the first witness. Other witnesses were Bernard Barker, and Alfred Baldwin.

Committee counsel Samuel Dash questioning Alch:

Q.—AS TO MR. McCord's first complaint that you suggested he use a Central Intelligence Agency involvement as a defense, it is true is it not, that the question the CIA involvement was the subject of

discussion between you and Mr. McCord on two occasions in December, one at the Monocle restaurant and the other time in your office in Boston.

A.—In this way Mr. Dash . . . I specifically asked him, whether or not there was any factual basis to the contention that the CIA was involved.

Q.—Now, did you on either occasion, show Mr. McCord a statement from a D. C. police officer Gary Bitinbender indicating that Mr. McCord had told Bitinbender that Watergate was a CIA operation?

A.—Yes sir. That statement

had been provided to me pursuant to my discovery motion filed in the case by the government.

Q.—AFTER YOUR meeting in December of 1972 at the Monocle restaurant, with Mr. McCord, did you call your partner, Mr. Bailey, and raise the question of the CIA defense?

A.—I did.

Q.—And what was the nature of that call and what did Mr. Bailey have to say?

A.—I would constantly keep Mr. Bailey advised of the de-

velopment of all cases that I was working on. I told him that I had asked Mr. McCord whether there was any factual basis for the CIA involvement. In Boston, Mr. Bailey told me that unless Mr. McCord or anyone else could come up with any factual evidence of any CIA involvement . . . that if Mr. McCord wished to pursue that defense without any such factual evidence . . . that I was to withdraw from the case, and I was to tell that to Mr. McCord. When Mr. McCord met with me in Boston at our next meeting, he initiated the conversation by saying to me there is no CIA involvement and I'll have no part of anything that's going to put the blame on the CIA. That rendered my withdrawal direction from Mr. Bailey moot.

Q.—Therefore, Mr. Alch, when you raised the question of CIA involvement with him for the very first time . . . it is likely, is it not, taking into consideration the entire circumstances of Mr. McCord's concern, that Mr. McCord could have concluded that you had joined in the conspiracy that he honestly believed existed to blame the CIA in the Watergate case?

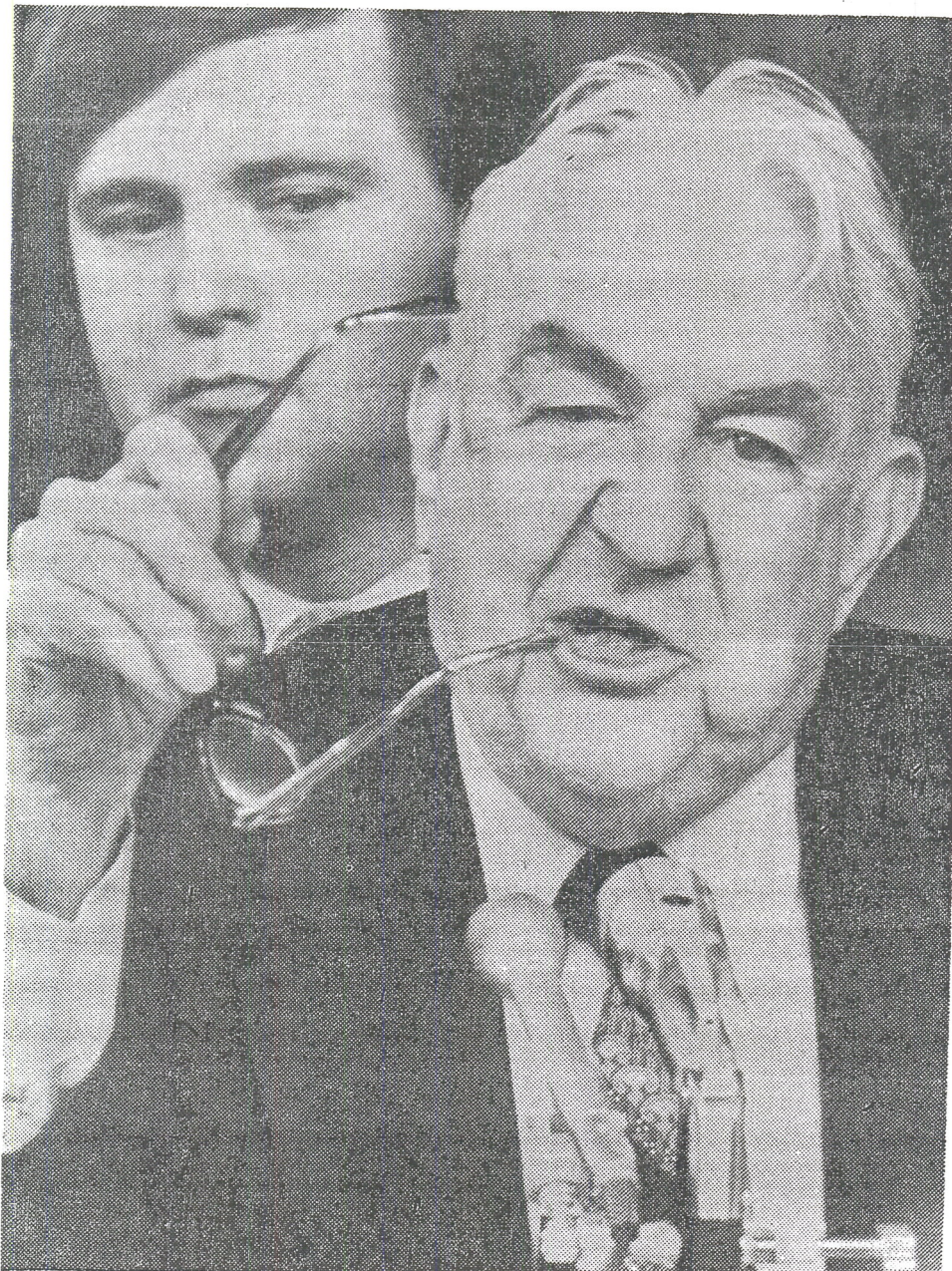
A.—In my judgment that would be giving him the benefit of a doubt to which I don't believe he is entitled for this reason.

Q.—Then, therefore, since it was you, Mr. McCord's lawyer, who transmitted to Mr. McCord his first notice of a telephone call on the night of Jan. 8 and that Mr. McCord knew you were conveying the message from Mr. Bittman, and it was that call that ultimately resulted in a meeting where an offer of executive clemency was made to your client . . . really was it so unreasonable for Mr. McCord to conclude that you were involved in setting him up for such an offer of executive clemency?

A.—If he made that conclusion, it was factually false.

MINORITY COUNSEL Fred Thompson questioning:

Q.—When Fensterwald [Mc-



AP Wirephoto

Sen. Sam Ervin gestures with his glasses as he questions witness Gerald Alch during hearing yesterday.

Cord's present attorney] told you he was out to get . . . they were going after the President of the United States,

and repeated that statement, did you ask him if he had any information that McCord did not have that would implicate the President?

A.—I did not. My only response to him on the telephone was as I stated yesterday, I'm not interested in a personal vendetta.

SEN. BAKER questioning:

Q.—Is there anything else, except Mr. Shankman's possible testimony, that you can suggest to us that might shed some light on that apparent conflict in the testimony be-

tween you and Mr. McCord?

A.—Yes sir. I suggest that both Mr. McCord and I, if he's willing, submit to a polygraph test, conducted by a competent examiner, accredited by the American Polygraph Association. I state my willingness so to do.

Q.—It would appear to you that your client was conveying

to you the possibility that those telephone calls that he made to the Chilean embassy could form the basis for dismissal because of nondisclosure of wiretaps on those embassies of the United States government?

A.—That's what he purported.

Q.—Do you . . . did you then, or do you now, think of that as an effort to contrive a defense?

A.—No sir, because I asked him if these calls were rela-

before Watergate probers

tive to the case. He told me that they were.

P. Yeah. K. If Liddy doesn't corroborate Magruder—what Liddy does now in view of Magruder's case I don't know but inherent in Magruder's—

P. He and Dean are taking Liddy and Magruder. You've got two guys it's pretty hard for a jury, if you were a good criminal—an F. Lee Bailey—say, are you going to take the word of these two men against all these other men, gentlemen?

K. When you have something besides F. Lee Bailey, but you take LaRue and Mitchell—

P. Let me say—let me say—I only mention F. Lee Bailey because Mitchell is very close to him now, as you know. K. I know that, yeah.

P. That's probably who he'll use.

K. I don't know. P. I say probably—I'm just guessing—I haven't talked to him about it, but he and Bailey are—he's going to fight until the end. He's not going to—K. I hope he does.

P. Would you—his relationship and former Attorney General. K. And that