

Watergate Defendant to Plead He Acted to Forestall Violence

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WASHINGTON, Jan. 16—A lawyer in the Watergate trial said today that one of the two remaining defendants would attempt to justify his actions on the ground that he had feared violence against President Nixon and other leading Republicans.

The lawyer, Gerald Alch of Boston, said that his client, James W. McCord Jr., would present evidence that he had acted under a form of "duress." The defense attorney asserted:

"If one is under a reasonable apprehension—regardless of whether that apprehension is in fact correct—he is justified in breaking a law to avoid the greater harm, which in this case would be violence directed to Republican officials, including, but not limited to, the President."

Mr. McCord is one of five men arrested on June 17 inside the offices of the Democratic National Committee in the Watergate complex here. At the time, he was security coordinator for the Committee for the Re-election of the President.

The four other men arrested—Bernard L. Barker, Frank A. Sturgis, Eugenio R. Martinez and Virgilio R. Gonzalez, all of Miami—pleaded guilty yesterday to charges of conspiracy, burglary and eavesdropping.

A sixth man named in the indictment, E. Howard Hunt Jr., a former White House consultant, entered a similar guilty plea last Thursday. The seventh defendant, G. Gordon Liddy, remains on trial with Mr. Mc-

Continued on Page 13, Column 2

Continued From Page 1, Col. 2

Cord.

The Government has charged that the June 17 break-in was part of a plan by the seven men to spy on the Democrats during last year's primary election campaigns.

Mr. Alch, a partner of the well-known lawyer, F. Lee Bailey, said the theory on which his defense of Mr. McCord would be based was a variant of a "self-defense" argument.

He said he had outlined the idea in an inaudible conference at the bench with Chief Judge John J. Sirica of the United States District Court here. His public comments came outside the courtroom later.

'Potentially Violent'

There were "potentially violent groups" who were supporting Democrats and who were in contact with party candidates, he said. The groups may have "indicated" their plans to the Democrats, he added.

So far in the trial, Mr. Alch has not sought to deny the Government's evidence against Mr. McCord. In his opening statement to the jury, he noted that his client had been caught at the Watergate.

"We're not going to try to refute the irrefutable," he said, arguing that the issue was one of intent and that Mr. McCord

"had no evil-meaning mind; he had no evil-doing hands."

Thomas James Gregory, whose testimony included his recollections of several encounters with Mr. McCord that the Government has linked with the alleged conspiracy, left the witness stand today.

Mr. Alch told him he accepted "as true what you say you saw and heard," adding that his interest centered instead on Mr. Gregory's and Mr. McCord's "state of mind."

Despite these and number of other indications, there has been no comprehensive statement by Mr. Alch on what parts of the Government's factual case he accepts.

To Collect Data

But he made it clear that he would suggest that Mr. McCord had participated in intelligence operations to collect data on any potentially violent events possessed by the Democrats.

In his cross-examination, he asked Mr. Gregory about a bomb explosion in the Pentagon last spring and about a series of antiwar demonstrations here at the same time, including one in which Police Chief Jerry Wilson was injured.

Mr. Gregory said he had been recruited by Hunt to spy in the headquarters of Senator George McGovern, who later became the Democratic Presidential nominee. Mr. Alch began to ask Mr. Gregory whether he had encountered a number of peace

groups and leftist organizations in his work.

Judge Sirica interrupted him at this point, and Mr. Alch said later that during the inaudible conference at the bench he had been told he would have to mount the "duress" defense on his own rather than during cross-examination.

Later today, a number of policemen described their arrest of the five men at the Watergate and their discovery of a vast assortment of evidence.

Array of Devices

The Government introduced walkie-talkies, lock-picking devices, tools, electronic equipment, false identification papers carried by Sturgis, containers of chemical Mace and currency.

The jury saw the blue surgical gloves worn by the five men. It was shown the cameras and film that the Government charges the five planned to use in copying documents in the Democratic files.

A vivid account of the arrests was given by John B. Barrett, one of the three policemen who first arrived at the Watergate and began to search the sixth-floor offices.

Mr. Barrett said he saw an office that had been "messed up." He explained that he then drew his service revolver "because I felt this might be something good; there might be somebody in here."

He said he was about to step around a six-foot-high office partition when he glimpsed an arm inches away on the other side. Pointing his finger as though it was a gun, he said: "I was kind of alarmed. I jumped back. I yelled out, 'Hold it.' I saw numerous hands go upward over the partition."

He said a man he thought was Sturgis exclaimed: "Keep cool, you got us."