

2 Dates Likely to Stand Out

By Edward Walsh

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When the history of the Watergate case is written, two dates are likely to be cited as important turning points in the discovery that widespread political espionage and sabotage was conducted on behalf of President Nixon's reelection in 1972.

The first is June 17, 1972, when five men wearing surgical gloves and carrying photographic and electronic surveillance equipment were caught inside the Democratic National Headquarters at the Watergate apartment complex.

One of the men was James W. McCord Jr., 54, a security expert and former FBI and CIA agent.

The second date is March 19, 1973, when McCord composed a letter from jail to U.S. District Court Judge John J. Sirica.

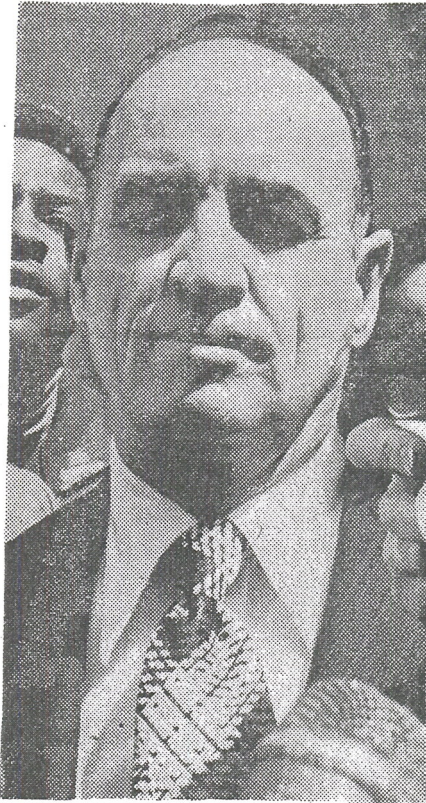
The letter was delivered to Sirica on March 20 and made public on March 23, precipitating the flood of accusations, recriminations and reports of misconduct and impending resignations among high level White House aides that has dominated the news in the six weeks since then.

In the letter, read aloud in Judge Sirica's courtroom, McCord charged that "political pressure" had been applied to the seven Watergate defendants to plead guilty and remain silent, that government witnesses had perjured themselves during the Watergate trial and, most important, that others besides the seven were involved in the bugging incident.

McCord's letter broke open the Watergate case. To it, and its immediate aftermath, can be traced most of the recent sensational developments in the case — the naming of new names, the sworn testimony confirming what had been dismissed as mere newspaper allegations concerning White House involvement in the affair, the reopening of grand jury probes into the incident.

Within days of delivering his letter, McCord was reported by Senate sources to have implicated others in the case — Jeb Stuart Magruder, the President's former special assistant; White House counsel John W. Dean III and former Attorney General John N. Mitchell. These men, in turn, began to break their own silences, implicating still others.

On April 17, President Nixon announced that there were "major developments" in the case and that as a result of "serious charges which came to my attention" he began his own investigation into the incident on March 21 — the day after McCord's letter was delivered to Judge Sirica. White House press secretary Ronald L. Ziegler said the "serious charges" involved in part



JAMES W. McCORD JR.
... broke case open

McCord's sworn testimony before the Senate committee investigating the case following his decision to break his silence.

McCord broke his silence after apparently wrestling for weeks with the difficult choices before him. McCord had been described earlier as a loyal follower who was never enthusiastic about the Watergate bugging. In writing the letter, he clearly hoped for favorable sentencing treatment from Sirica, noting in the letter that the failure to disclose what he knew would give the appearance of "noncooperation" and that he, therefore, could "expect a much more severe sentence."

McCord also was torn by personal fears and considerations. He told Sirica that members of his family "fear for my life" if he broke his silence, and while he did not share those fears to the same degree, "I do believe that retaliatory measures will be taken against me, my family and my friends" if he disclosed what he knew about the case.

"Such retaliation could destroy careers, income and reputations of persons who are innocent of any guilt whatever," McCord wrote.

McCord also cited his own sense of justice in deciding to talk.

"Be that as it may," he wrote of the risks he thought he ran, "in the interests of justice, and in the interests of restoring faith in the criminal justice system, which faith has been severely damaged in this case, I will state the following to you at this time which I hope may be of help to you in meting out of justice in this case."

It is impossible to say what would have happened had McCord, like the other Watergate defendants, remained silent. But it is clear that, with all the defendants standing mute, the Watergate trial came and went last January without any hard evidence or testimony linking others to the conspiracy.

The trial opened Jan. 8 amid expectations by some that sworn, courtroom testimony would implicate others in the case if others were involved.

But that was not to be. On Jan. 10, E. Howard Hunt Jr., a former White House consultant and one of the seven defendants, pleaded guilty to the charges against him. The next day Hunt told reporters that to his personal knowledge, no one higher than himself in the Nixon administration was involved in the conspiracy.

On Jan. 15, with the trial in progress, four more defendants changed their pleas to guilty. These were the four Miami men who had been caught inside the Watergate complex with reports that Hunt had urged them to plead guilty and told them that their families "will be taken care of" and that they could expect relatively early release from prison.

That left McCord and G. Gordon Liddy, a former White House aide said to be the boss of the Watergate operation, to stand trial alone. In all, the trial took 16 days, with Sirica appearing to grow more impatient with the prosecution's conduct of the case with each passing day.

Twice, Sirica ordered the jury removed from the courtroom so he could conduct his own questioning of witnesses. He got nowhere. Magruder testified under oath that he knew nothing about plans for illegal bugging activities during the 1972 campaign.

McCord and Liddy were convicted Jan. 30 by a jury that deliberated just less than 90 minutes. Although Sirica said three days later he was not satisfied that "all the pertinent facts" had come out during the trial, that seemed to end it.

And it did, until March 23, sentencing day for the convicted Watergate conspirators. McCord's letter, dated March 19, was delivered to Sirica March 20 by a probation officer. Sirica chose to have the letter's contents revealed in his courtroom before the

in a History of Watergate

large number of reporters who had followed the Watergate trial.

In the key passages of the letter, McCord then answered six questions posed to him by his probation officer, Frank E. Saunders. He told the judge that:

- "There was political pressure applied to the defendants to plead guilty and remain silent."
- "Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the government's case, and to the motivations and intent of the defendants."
- "Others involved in the Watergate operation were not identified during the trial, when they could have been by those testifying."
- "The Watergate operation was not a CIA operation. The Cubans (the four Miami men) may have been misled by others into believing that it was a CIA operation. I know for a fact that it was not."
- "Some statements were unfortunately made by a witness which left the court with the impression that he was stating untruths, or withholding facts of his knowledge, when in fact only honest errors of memory were involved."
- "My motivations were different than those of the others involved, but were not limited to or simply those offered in my defense during the trial. This is no fault of my attorneys, but of the circumstances under which we had to prepare my defense."

In addition to McCord, two other persons figured prominently in the events leading up to the breaking open of the Watergate case.

One is L. Patrick Gray III, President Nixon's choice to succeed J. Edgar Hoover as permanent director of the FBI. Gray resigned as acting FBI director yesterday amid the avalanche of disclosures that he, in part, had helped to set off.

Gray, 56, a retired naval officer and lawyer who had worked for Mr. Nixon in 1960 and 1968, was appointed acting FBI director May 2, 1972, the day after Hoover died. Mr. Nixon nominated him to be permanent FBI director last Feb. 17. That was more than two weeks after the Watergate trial had ended, at a time when it seemed it might all go away and when the Nixon administration was willing to risk questioning of Gray during Senate confirmation hearings.

But the questioning proved embarrassing. Gray, for example, acknowledged that he had made the FBI's files on the Watergate case available to White House counsel Dean, the man who last summer investigated the incident for President Nixon and exonerated all White House aides still in the



JUDGE JOHN J. SIRICA
... pressed for answers

administration at that time.

Later, in a written response to questions, Gray revealed FBI information showing that Herbert W. Kalmbach, the president's personal attorney, and Dwight L. Chapin, former White House appointments secretary, had arranged to pay more than \$30,000 in campaign funds to Donald H. Segretti, an alleged political saboteur.

Finally, on March 22, the day before McCord's letter was read in Sirica's courtroom, Gray conceded under intense questioning by Sen. Robert Byrd (D-W.Va.) that Dean "probably lied" to the FBI during the FBI investigation of the Watergate case.

The Gray testimony was severely damaging to the administration, particularly coming as a prelude to McCord's revelations. It called into question the role of Dean—the man the President quoted in exonerating his assistants from any involvement in the case—and provided official confirmation of newspaper reports of a direct link between the White House and political sabotage attempts. As the Watergate scandal escalated, the President withdrew Gray's nomination for the FBI post on April 5.

The withdrawal of the nomination, however, did not end the disclosures

involving Gray's role after the Watergate incident. Last year, according to FBI and other sources, Gray destroyed documents belonging to Hunt after being told by Dean and John Ehrlichman, the President's chief domestic adviser, that the documents should "never see the light of day."

The documents included phony State Department cables fabricated by Hunt to implicate the late President John F. Kennedy in the 1963 political assassination of South Vietnam President Ngo Dinh Diem, the sources told The Washington Post Thursday.

Now Gray, once in line to succeed J. Edgar Hoover, has left the FBI and is reported anxious to appear before the Watergate grand jury and tell all he knows about the destruction of Hunt's documents and other aspects of the case.

The other key figure in breaking open the Watergate case was Judge Sirica, the 69-year-old son of an Italian immigrant who was appointed to the federal bench in 1957 by President Eisenhower. By his questioning in the courtroom, and his statements after the trial, Sirica made it clear he thought the whole truth had not come out and he pressed the defendants to tell what they knew.

Sirica already had a reputation as being tough in composing sentences, but when the seven convicted Watergate conspirators came before him he indicated he would consider their willingness to cooperate with investigations into the case in passing sentence. First he sentenced Liddy to serve at least six years, and eight months in prison and fined him \$40,000, and he deferred sentencing of McCord.

Then turning to Hunt and the four Miami men, Sirica said he would also defer their sentences and added:

"I recommend your full cooperation with the grand jury and the Senate select committee (investigating the Watergate case). You must understand that I hold out no promises . . . but I do say that should you decide to speak freely, I would have to weigh that factor in appraising what sentence will be finally imposed in each case." Hunt faces a maximum sentence of 35 years in jail and a \$40,000 fine and the others maximum sentences of 40 years in prison and fines of \$50,000 each.

Although the questions answered by McCord were asked by the probation officer, McCord directed his reply to Sirica, apparently believing that the tough, no nonsense judge was behind the questioning and that by supplying the answers he could expect favorable consideration in sentencing.

Throughout the trial, Sirica had set the stage for the letter that opened the floodgates to the Watergate case.