

# Remarks by Principals in Watergate

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WASHINGTON, March 23 —Following are the text of a letter from James W. McCord Jr. to Chief Judge John J. Sirica of the United States District Court and excerpts from prepared statements by Judge Sirica made in sentencing six Watergate conspirators and from a statement at sentencing by one of them, E. Howard Hunt Jr.:

## James W. McCord Jr.

Certain questions have been posed to me from your honor through the probation officer, dealing with details of the case, motivations, intent, mitigating circumstances.

In endeavoring to respond to these questions, I am whipsawed in a variety of legalities. First, I may be called before a Senate committee investigating this matter. Secondly, I may be involved in a civil suit, and thirdly there may be a new trial at some future date.

Fourthly, the probation officer may be called before the Senate committee to present testimony regarding what may otherwise be a privileged communication between defendant and judge.

As I answered certain questions to the probation officer, it is possible such answers could become a matter of record in the Senate and therefore available for use in the other proceedings just described.

My answers would, it would seem to me, violate my Fifth Amendment rights, and possibly my Sixth Amendment right to counsel and possibly other rights.

## Penalty for Noncooperation

On the other hand, to fail to answer your questions may appear to be noncooperation, and I can therefore expect a much more severe sentence.

There are other considerations which are not to be lightly taken. Several members of my family have expressed fear for my life if I disclose knowledge of the facts in this matter, either publicly or to any government representative.

Whereas I do not share their concerns to the same degree, nevertheless, I do believe that retaliatory measures will be taken against me, my family, and my friends should I disclose such facts. Such retaliation could destroy careers, income, and reputations of persons who are innocent of any guilt whatever.

Be that as it may, in the interest of justice, and in the interest 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 justice in this case:

1. There was political pressure applied to the defendants to plead guilty and remain silent.

2. Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the Government's case, and to the motivation and intent of the defendants.

3. Others involved in the Watergate operation were not identified during the trial, when they could have been those testifying.

4. The Watergate operation was not a C.I.A. operation. The Cubans may have been misled by others into believing that it was a C.I.A. operation. I know for a fact that it was not.

5. 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.

6. 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.

## Private Talk Sought

Following sentence, I would appreciate the opportunity to talk to you privately in chambers. Since I cannot feel confident in talking with an F.B.I. agent, in testifying before a grand jury whose U. S. attorneys work for the Department of Justice, or in talking with other Government representatives, such a discussion with you would be of assistance to me.

I have not discussed the above with my attorneys as a matter of protection for them.

I give this statement freely and voluntarily, fully realizing that I may be prosecuted for giving a false statement to a judicial official, if the statements herein are knowingly untrue. The statements are true and correct to the best of my knowledge and belief.

## Judge Sirica

### Statement on sentencing

#### G. Gordon Liddy:

The court, at this time, wishes to briefly state some of the considerations which have contributed to its sentencing decisions in this case.

In the first instance, it seems clear that the defendants realized, at the time

## Sentencings

they acted, that their conduct violated the law. Now, it is true that "ignorance of the law is no excuse" and that one may be held accountable for a failure to obey the law whether he has read the statute books or not. Despite this fact, however, the court believes that the knowing and deliberate violation of laws deserves a greater determination than a simple careless or uncomprehending violation.

It is appropriate to consider, in addition, the nature of the misconduct, and the gravity of the offenses committed. The indictment contains two counts of burglary, a serious crime. Other counts refer to Title 18 United States Code Sec. 2511 concerning the privacy of oral and wire communications. The Senate report on the bill which included what is now Sec. 2511 contained the following statement:

"The tremendous scientific and technological developments that have taken place in the last century have made possible today the widespread use and abuse of electronic surveillance techniques. As a result of these developments, privacy of communication is seriously jeopardized by these techniques of surveillance. No longer is it possible for each man to retreat into his home and be left alone. Every spoken word relating to each man's personal, marital, religious, political or commercial concerns can be intercepted by an unseen auditor and turned against the speaker to the auditor's advantage."

Sec. 2511 was designed to prevent this great evil. Obviously, however, it has not stopped these defendants from knowingly committing the acts of which they stand convicted. From the evidence presented in the course of these proceedings, the court has reached the opinion that the crimes committed by these defendants can only be described as sordid, despicable and thoroughly reprehensible.

### Purposes of Sentencing

The court has also considered the purposes to be served by imposing sentences in this case. In view of the foregoing, and taking into account the background of the defendants, it seems obvious to the court that rehabilitation is not the principal purpose to be served. Nor is it appropriate to impose sentence here with the intent of satisfying someone's desire for reprisal.

In this matter, the sentences should be imposed



with an eye toward a just punishment for the grave offenses committed and toward the deterrent effect the sentences might have on other potential offenders.

Numerous other considerations, both favorable and unfavorable to the defendants, have played a part in the court's decisions.

#### Statement on Sentencing Hunt, Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis, and Virgilio R. Gonzalez.

With respect to the five defendants who have entered guilty pleas, the court finds that it requires more detailed information before it can make a final determination of the sentences to be imposed. The court will therefore implement at this time, the provisions of Title 18 United States Code Sec. 4208(B):

The effect of the court's ruling, then, is this:

First: Each of you five defendants now before me are provisionally committed for the maximum sentence of imprisonment prescribed by law for your offenses.

Second: A study will be conducted under the direction of the Bureau of Prisons. Within three months, the court will be furnished with the results of this study together with any recommendations made by the director of the Bureau of Prisons. Should more than three months be required, the court may grant time for further study up to an additional three months.

Third: Once the studies with respect to each defendant are completed and the court has analyzed the information contained therein, the court will make a final disposition of your cases. The court will have basically three alternatives: (1) to affirm the sentence of imprisonment originally imposed, that is, the maximum sentence, (2) To reduce the sentence of imprisonment as the court deems appropriate, or (3) To place the defendant on probation. In any case, the terms of sentence will begin to run from the date of original commitment.

I have carefully studied the pre-sentence reports and the trial transcripts. Among other things, I have taken into consideration, and will keep in mind, the fact that each of you voluntarily entered pleas of guilty. On the other side of the scale, however, is the fact that none of

you have been willing to give the Government or other appropriate authorities any substantial help in trying this case or in investigating the activities which were the subject of this case.

Now I want to speak plainly about this matter. You will all no doubt be given an opportunity to provide information to the grand jury which has been, and still is, investigating the "Watergate affair" and to the Senate Select Committee on Presidential Campaign Activities. I sincerely hope that each of you will take full advantage of any such opportunity.

My sentiments in this regard are identical to those expressed on February 28th of this year by Judge Warren J. Ferguson, a United States District Judge in Los Angeles, California, and a man for whom I have the highest admiration. Judge Ferguson has before him a matter which is, in many respects, analogous to this case.

That proceeding grew out of certain unlawful transactions revealed a few years ago involving a onetime sergeant major of the Army. This man and others pleaded guilty before Judge Ferguson on the 28th to an information charging them with fraud and corruption in the operation of United States military clubs in parts of Europe, Vietnam and the United States. At the time of the plea, Judge Ferguson made a statement which I am going to read now. He has stated the matter exceptionally well.

"There are various sentencing philosophies to deter other people from committing crime, to deter the defendant himself from committing other crimes against the Government, to rehabilitate people and all of the other various philosophical reasons why judges sentence people.

"In this case, for various reasons which are not necessary for the court to express from the bench, I am more concerned that the activities to which you have pled guilty will not occur in the future by any other sergeant of the Army, sergeant major of the Army, or any staff sergeant of the Army or anybody else in the military system and I don't know whether or not the three of you are isolated incidents of the things to which you have pled guilty and whether or not it is the system which permitted this activity to take place.

"The things we say here, if I can paraphrase a great President, will not be long remembered. You and I are individuals and life is pretty slender and what I do to you basically is not going to affect other sergeant majors in the Army and another war that comes along in our future, and they will come.

"But I want to do all I can to insure that in future wars or future military operations that the system, the system itself, prohibits the conduct to which you have entered your guilty pleas. Because if that is accomplished then there has been a benefit to the Government, really.

#### No Gain From 'Flesh'

"I don't think the Government wants a pound of flesh out of you. That is very little benefit to the Government. That is very little benefit to society. That is very little benefit to anybody except an expression that society does not approve to the things you have entered your guilty pleas to.

"But you will pass on and there will be other people taking your place and Woolridge will be forgotten about and Higdon will be forgotten about and nobody will remember Bass as individuals. There will be a flurry of publicity as a result of your guilty pleas, naturally, but in a week or so it will be forgotten about.

"But you see, I don't want it forgotten. So I have told your attorneys that the sentence that I will impose upon you—and I am making no promise of leniency; I want that clearly and positively understood; I am making no promise of leniency—but the sentence I will impose will depend primarily on whether or not you cooperate with the permanent Subcommittee on Investigation of the United States Senate and if you are asked to testify and give evidence before that permanent subcommittee and if you testify openly and completely, regardless of what the implications are to yourself or to anyone else or to the system so that the branch of the Government which can take corrective action is able to take action so that this activity simply does not occur again, then I will take that into consideration because I want to see something beneficial to the Government come out of these proceedings.

Now, I don't know what the subcommittee will do but I fully expect you to cooperate absolutely, completely and entirely with whoever from that subcommittee, whether it is a Senator, or whether it is a staff investigator. Whoever it is who interrogates you, you will openly and honestly testify.

Now I believe that the "Watergate affair," the subject of this trial, should not be forgotten. Some good can and should come from a revelation of sinister conduct whenever and wherever such conduct exists.

I am convinced that the greatest benefit that can come from this prosecution will be its impact as a spur to corrective action so that the type of activities revealed by the evidence at trial will not be repeated in our nation. For these reasons, I recommend your full cooperation with the grand jury and the Senate Select Committee.

You must understand that I hold out no promises or hopes of any kind to you in this matter, 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. Other factors will, of course, be considered, but I mention this one because it is one over which you have control.

#### E. Howard Hunt Jr.

I stand before you, a man convicted first by the press, then by my own admissions, freely made even before the beginning of my trial. For 26 years I served my country honorably and with devotion: first as a naval officer on the wartime North Atlantic, then as an Air Force officer in China. And finally, as an officer of the Central Intelligence Agency combating our country's enemies abroad.

In my entire life I was never charged with a crime, much less convicted of one. Since the 17th of June 1972, I lost my employment, then my beloved wife, both in consequence of my involvement in the Watergate affair. Today I stand before the bar of justice alone, nearly friendless, ridiculed, disgraced, destroyed as a man.

These have been a few of the many tragic consequences of my participation in the Watergate affair, and they have been visited upon me in overwhelming measure.

What I did was wrong, unquestionably wrong in the eyes of the law, and I can accept that. For the last eight months I have suffered an ever-deepening consciousness of guilt, of responsibility for my acts, and of the drastic penalties they entail. I pray however that this court—and the American people—can accept my statement today that my motives were not evil.

#### An 'Honorable' Life

The offenses I have freely admitted are the first in a life of blameless and honorable conduct. As a man already destroyed by the consequences of his acts I can represent no threat to our society, now or at any conceivable future time. And as to the factor of deterrence, your honor, the Watergate case has been so publicized that I believe it fair to say the American public knows that political offenses are not to be tolerated by our society within our democratic system.

The American public knows also that because of what I did, I have lost virtually everything that I cherished in life—my wife, my job, my reputation. Surely, these tragic consequences will serve as an effective deterrent to anyone else who might contemplate engaging in a similar activity.

The offenses to which I pleaded guilty even before trial began were not crimes of violence. To be sure, they were an affront to the state, but not to the body of a man or to his property. The real victims of the Watergate conspiracy, your honor, as it has turned out, are the conspirators themselves. But there are other prospective victims.



### Plea for the Children

Your honor, I am the father of four children, the youngest a boy of 9. Had my wife and I not lost our employment because of Watergate involvement, she would not have sought investment security for our family in Chicago where she was killed last December. My children's knowledge of the reason for her death is ineradicable—as is mine. Four children without a mother. I ask they they not lose their father, as well.

Your honor, I cannot believe the ends of justice would be well served by incarcerating me. To do so would add four more victims, to the disastrous train of events in which I was involved. I say to you, in all candor, that my family desperately needs me at this time. My problems are unique and real, and your honor knows what they are. My probation officer has discussed them with me at some length.

I have spent almost an entire lifetime helping and serving my country, in war and peace. I am the one who now needs help. Throughout the civilized world we are renowned for our American system of justice. Especially honored is our judicial concept of justice tempered with mercy. Mercy, your honor, not vengeance and reprisal, as in some lands. It is this revered tradition of mercy that I ask your honor to remember while you ponder my fate.