

# Excerpts From Transcript of McCord's

Special to The New York Times

WASHINGTON, May 18—  
Following are excerpts from  
a transcript of testimony by  
James W. McCord Jr. on the  
second day of hearings today  
by the Senate Select Com-  
mittee on Presidential Cam-  
paign Activities into the  
Watergate case:

## MORNING SESSION

MR. DASH. Were you an  
employee of the Committee to  
Re-elect the President?

MCCORD. Yes.

Q. What position did you  
hold and what were your  
duties? A. I came aboard first  
as a security consultant part-  
time in September of 1971.

Q. How did you get that  
job? A. I was introduced  
initially by Mr. John Caul-  
field and Mr. Odle, the direc-  
tor of administration, who  
testified yesterday.

Q. Under whose direction  
did you work? A. Primarily  
under the direction of Mr.  
Robert Odle, who was my  
immediate supervisor in the  
committee. The responsibil-  
ity with Mr. Mitchell and his  
family, I received directions  
from him, from Mrs. Mitchell,  
from Robert Odle and Mr.  
Liddy.

Q. Did there come a time  
when you worked under the  
direction of Gordon Liddy?  
A. Yes, I did.

Q. What was Mr. Liddy's  
position at that time? A. He  
was at first from December  
until about March 19—De-  
cember '71 to about March  
'72—general counsel for the  
Committee to Re-elect the  
President. Thereafter he has  
occupied the same position  
with the Finance Committee  
for the Re-election of the  
President.

Q. When did this arrange-  
ment or—i which you work  
under his direction—begin,  
Mr. McCord, with Mr. Liddy?  
A. The first discussions of  
the arrangements began some-  
time in January, 1972. Early  
January.

### Devices for Bugging

Q. Could you briefly state  
for the committee, Mr. Mc-  
Cord, what that was that Mr.  
Liddy wanted you to do?

A. Gradually, the discus-  
sion in December, January  
February of 1972 with Mr.  
Liddy, gradually developed  
into more and more conver-  
sation on his part with me in  
the offices of the Committee  
for the Re-election of the  
President regarding the tech-  
nical devices, and political  
matters pertaining to the  
forthcoming convention, and  
that became apparent that he  
had an interest in several  
areas of intelligence gather-  
ing pertaining the Democratic  
party and the Democratic  
convention, and in which it

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## Testimony to Senate Panel

was contemplated or planned  
by him and by others whom  
he referred to in these con-  
versations as John Mitchell;  
John Dean, counsel to the  
President; Jeb Magruder then  
in January the interim direc-  
tor of the Committee to Re-  
elect the President; in which  
it appeared that those men,  
the four of them, were in the  
—by late January—the, plan-  
ning stage in which political  
intelligence was to be dis-  
cussed at meetings at the

Attorney General's office, Mr.  
Mitchell's office, and in which  
Mr. Liddy was seeking from  
me certain information re-  
garding the costs and the  
types of electronic devices  
that could be used in bugging.

That the part of the budget  
proposal which he was work-  
ing, working on, the second  
part dealt with photography  
operations, clandestine pho-  
tography operations, and a  
third part dealt with the  
broad area of political espio-  
nage, political intelligence.

The topic of photography,  
clandestine photography, in  
which he was preparing the  
budget and preparing to meet  
with the gentlemen I have re-  
ferred to before, in planning  
sessions, dealt with photo-  
graphic equipment and the  
cost of photographic equip-  
ment and specific items of  
equipment that would be used  
against the Democratic party,  
the Democratic hierarchy in  
Washington primarily, but  
also in Miami, Florida. The  
electronic devices which he  
referred to specifically were  
of a variety of types.

Q. I am not asking specifi-  
cally what the types were,  
but how were they to be  
used, where were they to be  
placed from your under-  
standing?

A. The initial interests  
specified by Mr. Liddy in this  
regard were, No. 1, against  
Mr. Larry O'Brien, then  
chairman of the Democratic  
National Committee in Wash-  
ington, D.C., at his residence  
and subsequently at his of-  
fice in the Watergate office  
building. Perhaps other offi-  
cers of the Democratic Na-  
tional Committee. The Mc-  
Govern headquarters in  
Washington, D.C., were men-  
tioned quite early in 1972.  
And there was some general  
reference to the Democratic  
National Convention facility  
or site wherever it might be  
located at this convention in  
the summer of 1972.

## on Watergate

Q. All right now, Mr. Mc-  
Cord, in connection with this  
assignment in which you  
were having these discus-  
sions with Mr. Liddy, did you  
come to associate yourself  
with Mr. E. Howard Hunt,  
Bernard Barker, Eugenio  
Martinez, Frank Sturgis and  
Virgilio Gonzales? A. Yes, I  
did.

Q. And as a result of that

association and your agree-  
ment with Mr. Liddy, did you  
with Mr. Barker, Sturgis,  
Martinez and Gonzales ille-  
gally enter the Democratic  
National Committee head-  
quarters on two occasions,  
one on or about May 30,  
1972, and the other in the  
early morning hours of June  
17, 1972?

A. I did.

Q. On the first occasion on  
or about May 30, 1972, you  
installed two telephone inter-  
ception devices or wire-taps  
on two office telephones, one  
on the telephone of Spencer  
Oliver and the other on the  
telephone of Lawrence  
O'Brien?

A. I did.

### Reasons for His Acts

Q. Will you tell the com-  
mittee, Mr. McCord, why,  
after a lifetime of work as a  
law enforcement officer with-  
out, as you have testified,  
any blemish on your career,  
did you agree with Mr. Liddy  
to engage in his program of  
burglaries and illegal wire-  
tapping and specifically the  
two break-ins on May 30 and  
June 17 of the National Dem-  
ocratic Committee headquar-  
ters at the Watergate?

A. There were a number of  
reasons associated with the  
ultimate decision of mine to  
do so. One of the reasons,  
and a very important reason  
to me, was the fact that the  
Attorney General himself,  
Mr. John Mitchell, had his,  
at his office, had considered  
and approved the operation,  
according to Mr. Liddy.

A. Not after each meeting at all, but we would see each other regularly during the week. I would say not once a day but every other day, most weeks between January and June 17. Sometimes he would tell me, I am getting ready to go up to see the Attorney General to discuss this operation, referring to the Watergate operation, to discuss the operations that he had planned.

Sometimes he would tell me, I have just come back from that operation, concluding what we are going to do now.

Q. Were some of these meetings, according to what he told you, while Mr. Mitchell was still Attorney General. A. Yes.

Q. And some after he came to the Committee to Re-elect? A. Yes.

Q. Were money figures discussed? A. Oh, yes.

Q. According to what he said—according to Mr. Liddy, what was the original proposed budget for the overall Surveillance operation? I assume we are talking about the over-all operation, not just the Watergate break-in, is that correct?

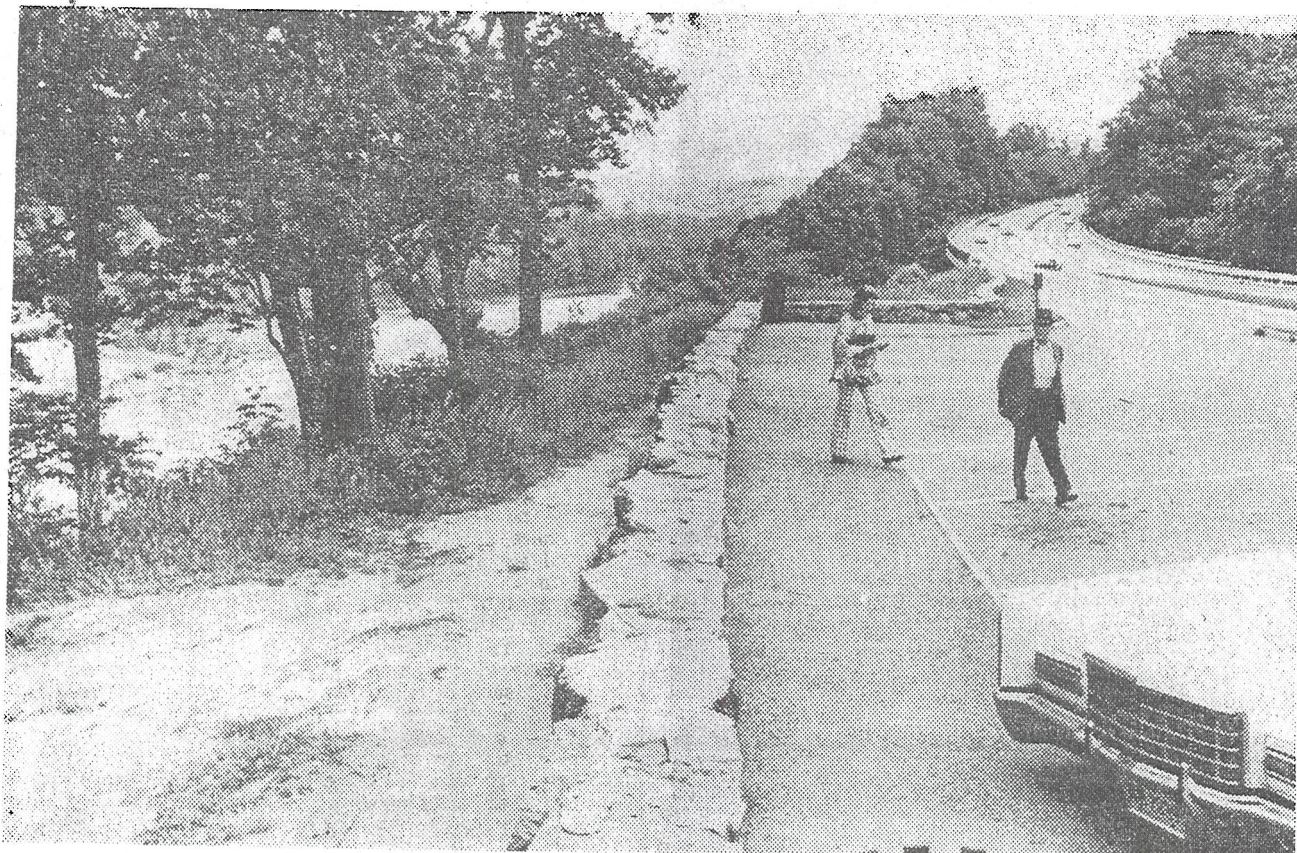
A. We are taking about three categories— political espionage, photography operations, and electronic operations, and the original figure in February that Mr. Liddy proposed, as I saw it in writing, in a draft on his desk on one occasion and in a typed memorandum on a second occasion, was approximately \$450,000.

Q. All right, according to him, was that budget approved?

A. The sequence of the events were that there were planning meetings in January or February or both in the Attorney General's offices, in which Mr. Dean and Mr. Magruder, Mr. Liddy, and Mr.



Public telephone booths at the Blue Fountain Inn on Route 355, near Rockville, Md. McCord said this is where he received calls relating to the Watergate cover-up.



The parking area on the George Washington Memorial Parkway, right, in Virginia overlooking the Potomac where James W. McCord Jr. said that he met John Caulfield. It is about one-half mile from the Chain Bridge.

Photographs for The New York Times by MIKE LIEN

Mitchell discussed the original amount, the \$450,000 amount, and subsequently, approximately 30 days after the first formal meetings and I heard referred to by Mr. Liddy, there was a figure of approximately \$250,000, which he said had been approved for the operation. And he referred also to some additional funds which he had in the order of approximately \$100,000, but that figure is not absolutely certain in my mind, with a total of something around \$300,000 or \$350,000.

Q. According to him, was this money problem the need for subsequent meetings? Was that a concern of the people involved? Was there quite a bit of discussion as to exactly how much money should be spent on this project?

A. Money was a topic that he said was discussed. He said the individual operations were discussed — that is, specifically the three parts of his budget which he had prepared on charts, which he had taken to at least one of the meetings. That is the three parts of political espionage and photography and so on. It was not limited, the discussion was not limited to the matter of funding. My understanding was all aspects of the operation were discussed in those meetings by the four individuals.

Q. Let me just ask you this: Did he tell you that John Mitchell ever told him that this budget is just too high and you will have to do it for less or something to that extent? A. No, he did not.

Q. Did he ever tell you that they specifically discussed the Watergate operation in any of these meetings? A. Oh, yes, sure.

Q. That the Watergate break-in specifically was discussed? A. Very definitely.

Q. What did he say about that particular discussion?

A. It was a contiguous discussion. He sat in with Mr. Magruder from the earliest planning session in January through the first entry operation, Memorial Day weekend and then even to the second operation in June, and he talked to me at various times and it was clear from what he said that their committee — that Mr. Liddy was having such meetings — he stated they were having such meetings in which the Watergate operation was a part, of Watergate, referring to the Democratic National Committee headquarters himself.

So I would say there were many such discussions by Mr. Liddy with me in which he stated that meetings had occurred with Mr. Mitchell

and Magruder specifically on this after February.

Q. You mentioned, you mentioned I believe, that you had frequent contact with Liddy. Did you have frequent contact with Mr. Magruder at the Committee to Re-elect? A. Yes, I did.

Q. Would you see him on a daily basis? A. We would see each other on a daily basis. We would speak hello, exchange greetings. My point of contact at the committee was his deputy, Mr. Odle. My business was transacted primarily with Mr. Odle, their offices were adjoining.

#### Security for Mitchells

Q. Their offices were close together? A. So we would see each other frequently in that sense.

Q. Just to speak, or did you ever discuss any substantive matters concerning the re-election of the President or the operation of the Committee to Re-elect the President? A. We had some meetings, one particular meeting with the Attorney General and Mr. Magruder lasting over an hour in which we discussed over-all security of the committee and the security of the Mitchell family.

Q. At that time in March you had pretty much made up your mind, I assume, you would, if the thing was funded, that you would participate for the reasons that you have given?

A. The decision process, I think, on my part took place after the 30-day delay that I referred to here in which it appeared that this whole matter was being considered, reconsidered, discussed and so on by Mr. Mitchell. It was also very material to me that he had considered it while in the Attorney General's office, that the discussion had taken place there and he apparently had approved it and so on, but I had some reasons for considering the 30-day delay important, and this was part of my motivation.

Q. You say you saw Mr. Liddy often and you saw Mr. Magruder often and you had this one meeting with the two of them. Did anything they said to you or did anything that you overheard them say to other people, any telephone conversations that you might have accidentally heard indicate to you that what Liddy was telling you was in fact true, or did any of these things in your mind corroborate what Mr. Liddy was telling you?

A. About what, the meetings with the Attorney Gen-

eral in his office? Mr. Liddy had some charts which I have described to this committee before, which he said cost some \$7,000 as to prepare, in which he set forth the plans, as I understood it, the cost of the operation. The fact that he would go to so much trouble and to so much expense, it was obvious to me this was officially approved by somebody in the operation within the committee itself and the Attorney General in order for that amount of money to be spent for material of this sort, to go to that much trouble.

#### Tells of Seeing Charts

Q. Pardon me, did you ever see the charts themselves?

A. Yes, I saw the charts when he brought them in the day before he said a meeting was scheduled with the Attorney General. He pointed to the chart and said, "These are for the briefing with the Attorney General tomorrow. These are connected with the papers which I have shown to you — the draft and the type of budget draft that he had and showed to me on a day or two before. He did not unwrap the charts themselves. They were in brown wrapping paper. He said they had been prepared commercially, locally — not locally, he said they had been prepared commercially and he subsequently told me that he had been told by John Dean to destroy the charts, and because they cost so much he did not plan to do so.

Q. He told you he was using these charts in discussion with the Attorney General and others? A. Correct.

Q. So far as conversations by these gentlemen concerning their participation, were there any conversations or anything that they said that you heard which indicated that what Mr. Liddy said about the meeting discussing these things was true? A. By these gentlemen you are referring to?

Q. I am talking about Mr. Mitchell, Mr. Magruder or Mr. Dean. A. That is correct. They did not discuss it with me.

#### Position Taken by Hunt

SENATOR ERVIN. You say that from after the return of the bills, every indictment, in September down to the day, last day of the trial, that you were urged to plead guilty and remain silent by a number of people. Did Mr. Hunt ever urge you to plead guilty and remain silent? That is, E. Howard Hunt? A. The words most frequently used by Mr. Hunt with me was that executive clemency would be available to me.

Q. Yes. How many times did he urge you to plead guilty? That is, Hunt? A. I mean to correct that statement. I do not recall Mr. Hunt using those words with me to plead guilty.

Q. Did he urge you to or not to remain silent? A. Not in the exact words, no, sir.

Q. What words did he use as far as you remember? A. He used words to the effect that — he used words stating that "executive clemency is going to be made available to us," and he spoke in terms as though it already had been committed — I say already, already as of the time that he first mentioned it to me.

Q. Now, you stated that you were paid some money through the instrumentality of Mrs. Hunt, and also that your lawyer fees were taken care of, as I understood you? Do you know who paid your lawyer fees? A. I was told that both monies came from the Committee to Re-elect the President.

Q. Now, did your lawyer urge you to enter a plea of guilty? I am talking about Mr. Gerald Alch. A. I do not recall that, no sir.

Q. But he did go with you to Mr. Bittman's office? A. Yes, sir.

Q. And Mr. Bittman was the lawyer for Mr. Hunt, was he not? A. Yes, sir.

Q. And then after that, you did not talk to Mr. Bittman yourself? A. No, sir.

Q. But Mr. Alch did? A. Yes, sir.

Q. And after his conversation with Mr. Bittman he told you that Mr. Bittman urged you to plead guilty and remain silent and said you would get executive clemency?

#### Clarification on Clemency

A. I will correct that, sir, if I left that impression. I believe the words were that in the afternoon of Jan. 8, Mr. Alch said that Mr. Bittman wanted to talk with me about "whose word I would trust regarding a White House offer of executive clemency" and then at the meeting at his office Mr. Alch came back to me after a meeting with Mr. Bittman and told me that I would be contacted by "a friend I have formerly known in the White House," and contacted that evening. I believe that was the substance of the conversation.

Q. How long had you known — when did you first know John or Jack Caulfield? A. I first met him in early 19 — early September, 1871. I had heard of him before.

Q. Where was he working at the time you first met him? A. At the White House.

Q. Did Mr. Caulfield later have any association with the committee? A. Yes, sir.

Q. And after that association did he go to one of

June 26 of this year) on the wiretapping issue.

"In any case, I would bet my last dollar that the Supreme Court will rule that A) the determination of the relevance of wiretapped conversations be made in adversary proceedings, rather than in camera, and the identity of the person or organization on whose phone the tap was made be made known to the defense and B) the refusal of the lower court in the Ellsberg case to compel discovery and to conduct an adversary hearing is in conflict with the two wiretapping statutes cited above.

"In my own case there are three possibilities relevant to the above:

"1. In the spring of this year, telephone calls were made from my office phone from a young Chilean employe of mine, to the Chilean military attache's residence in D.C.; and calls were received from Chile (from members of his family), to him at my office phone at night. As an employe of mine, he would appear to stand in somewhat the same situation as the petitioner's consultants in the Ellsberg case (page 3 jurisdiction), if those calls were tapped on national security grounds by the Government.

"2. If taps were placed on my home and/or office phones by the Government on the authority of the Attorney General, without court order, during the first week after my arrest on June 17, they would be illegal according to the Supreme Court decision of June 26 in the case of U.S. v. U.S. District Court of Eastern Michigan. There is a fair chance that there were such taps during that period on my phone because at that time, the stories in the press, and the bond hearings, were full of innuendo that the Watergate operation may have been a Latin-American or anti-Castro operation out of some type, a tap on domestic security grounds on the Attorney General's authorization only (now illegal) would be a fair likelihood.

"3. Any calls by me, subsequent to June 17, to any organization on whom there was a national security wiretap, could, on motion, have to be disclosed to the defense if any of the three arguments set forth in the Ellsberg writ, under reasons for granting the writ, prove successful before the Supreme Court. If not disclosed, then prosecution would have to be dropped

#### Held Relative to Case

"The two slip opinions in the Celbard case (June 19) and the U.S. v. U.S. District Court of Eastern Michigan (June 26) were mailed to you about three weeks ago. I'll be copying the rest of the appendix to the Ellsberg writ to cert. tomorrow and mail to you. Hope you find some encouragement in this."

There are two things about that, Mr. Alch, if I may. It is an extraordinarily thorough legal document. Would you admit that?

A. If it came from a layman, yes, sir.

Q. 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 relative to the case. He told me that they were.

SENATOR TALMADGE. Mr. Chairman, it is perfectly obvious, of course, to all members of the committee that the testimony of Mr. Alch varies significantly from

that of Mr. McCord in any number of instances. I want all witnesses to be put on notice that at an appropriate time, wherever there is any evidence of perjury, I expect to ask the staff of this committee to submit a transcript of that possible perjury to the appropriate prosecuting attorney for action as the situation may arise.

Now, did Mr. McCord ever tell you at any time that he thought he was acting legally in this matter because of the involvement of Mr. Mitchell or Mr. Dean?

A. No, sir.

Q. In a statement that you gave to the members of the staff of our committee on May 22, 1973, in the presence of Mr. Sam Dash, Mr. Thompson, Mr. Silverstein, Mr. Sure, Mr. Hamilton, Mr. Edmiston, I read the following: "As the trial progressed a decision began to loom as to whether McCord would take the stand. I asked him

what he could testify to. At that point he said that the Watergate operation had been approved by John Mitchell. I asked him how he knew this and he said Liddy told him."

A. Yes, sir.

Q. How do you explain that discrepancy in your evidence?

A. I respectfully submit it is not a discrepancy. When he told me that, he did not tell me that in any way implying that that justified the operation and made it legal. He never told me that, because Liddy told him that Mr. Mitchell was involved, that it was legal. He merely told me that that is what Liddy told him. At no time when he told me that was it in the context of his saying to me "and, therefore, I think it is legal."

Q. As a good lawyer did you not pursue that question at that time, as to whether or not Mr. Mitchell was involved? And if it had been approved by him it would have been legal, would it not?



Bernard L. Barker, who pleaded guilty as a Watergate spy, testifying yesterday. There was a moment of levity as he placed an event in time by referring to a football game.

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A. Because—I do not know. Because from the very beginning I had specifically asked Mr. McCord in discussing the defense we ultimately arrived upon, whether or not he had acknowledged the facts that he knew he was breaking the law when he did. He said he did understand he was breaking the law.

Q. Now, does the Attorney General have authority to authorize wiretaps? A. I believe he does through appropriate court order.

Q. Does he have to have a court order? A. I believe he does.

Q. I do not believe it required one at that time. I think if the Attorney General had authorized the wiretap and had directed Mr. McCord to carry it out, I think it actually would have been

legal. I think the authority for authorizing the wiretap also carries with it the authority of breaking and entering. You did not further investigate that point that Mr. McCord suggested to you at that time, did you?

A. No, sir, because, as I say, when he did give me that information, it was not, in the context of his saying what I did was legal.

#### AFTERNOON SESSION

##### Bernard L. Barker

MR. HAMILTON. Mr. Barker, who recruited you for these activities?

MR. BARKER. E. Howard Hunt.

Q. And was Mr. Hunt your supervisor in the Watergate operations? A. That is correct.

Q. And had Mr. Hunt also

been your commanding officer in the Bay of Pigs operation? A. I was Mr. Hunt's principal assistant in the Bay of Pigs operation.

Q. Mr. Barker, what was your motivation for participating in these operations.

A. The original operation was the Ellsberg operation. It was explained to me that this was a matter of national security. At no time was I told any different from the original motivation for which I had been recruited.

Q. Mr. Barker, is it correct that part of your motivation for participating in these operations was to gain later assistance from Mr. Hunt and others in high places for a Cuban liberation operation? Is that correct? A. Our team, which was composed of myself and Mr. Martinez, Mr. Sturgis and

the meetings that the attorneys had that I can remember at this time.

Q. Mr. McCord testified Tuesday morning to this effect in response to the following questions from Senator Talmadge: "Did Mr. Barker or other Cuban-Americans come to you during the trial and tell you they had been offered executive clemency by Mr. Hunt." Mr. McCord says, "Yes, sir." Is that true A. I do not know whether he was saying the truth or not, but I was never offered clemency by anyone.

Q. Mr. Hunt told you [the evidence was overwhelming]? A. Mr. Hunt told me that he had been advised by his attorney that the evidence against us was overwhelming. Mr. Hunt had not been caught inside of the Watergate, I had. I considered him a very intelligent—and still do—capable man, and if Mr. Hunt at the time was going to plead guilty and I was caught inside, I think it would be ridiculous and it has been proven for me to plead anything but guilty.

#### His Own Decision

SENATOR EVIN. If Mr.

E. Howard Hunt had pressured you into pleading guilty, you could not tell us that under your code of ethics? A. I do not think that this applies to anything like that for this nature. It was my decision.

Q. He told you that he was going to plead guilty and the evidence against you was overwhelming? A. That is true.

Q. And then you decided to plead guilty? A. Yes, but this is not pressure. This is my decision, not his decision.

SENATOR BAKER. You have a real estate business in Miami. You were previously involved in the Bay of Pigs operations for the C.I.A. You are a veteran of the U. S. Army in World War II where you were a captain in the Arm Air Corps. You were a German prisoner of war for 17 months.

Mr. Baker, what on earth would motivate you at your station in life, at your age and with that background, to do something that surely you knew to be illegal?

A. Senator, E. Howard Hunt under the name of Eduardo, represents to the Cuban people their liberation. I cannot deny my services in the way that it was proposed to me on a matter of national security, knowing that with my trainin I had personnel available for this type of operation. I could not deny this request at the time.

Q. Why were you concerned with infiltration of a group which was demonstrati either against the war or in presence of the last rites for J. Edgar Hoover? Why did you do that? A. I was following Mr. Hunt's instructions.

Q. What was your motivation? What persuaded you to enter the Watergate complex? A. Our mission at those times were only to obtain and to try to locate documents that would prove that the Democratic party and Senator McGovern were receiving contributions nationally and—national and foreign contributions from organizations that were leftist organizations and inclined to violence in the United States, and also from the Castro government.

Q. Did you ever find any such documentation? A. No, we did not find these documents. No, sir.

Senator Talmadge. How did you get involved in the Bay of Pigs operation? A. The same way I got involved in the Ellsberg one. I considered it my duty to help my country.

Q. Mr. Hunt recruited you? A. That is in Cuba. No. In Cuba.

Q. Who? A. At the American Embassy.

Q. Who did you think your backers were? A. Sir, I was not there to think. I was there to follow orders, not to think.

Q. Didn't you wonder who was giving you the orders? A. No. I had absolute confidence in, as I do now, the people I was dealing with, sir.

Q. Who did you think you were working for? A. I was working for Mr. Hunt and those things that Mr. Hunt represents.

Q. What did he represent?

A. Eduardo represents the liberation of Cuba, the anti-Communist symbol. It represents the Government of the United States in one form, in its covert form.

Q. How did you think you could liberate Cuba by participating in a burglary in Washington, D.C.?

A. If we helped Mr. Hunt and this Government in matters which I will further add I believe in, it would establish a situation in which, besides the right that the Cuban people have to be free and independent, it would establish us as having aided this Government in this mission. I view that in the same way where hundreds of Cubans have been helping in Africa, in Vietnam, and in other areas of the world, where the people in my particular association are extremely grateful to those sectors of this country who favor our liberation. Mr. Hunt represented this to the greatest degree.

SENATOR CURNEY. About the [Ellsberg] mission, be as brief as possible because I want to get to the Watergate. A. Mr. Hunt gave me the address of the place where we were to make the entry. Then the general plan was given to us. We proceeded to the area, and eventually made the entry. I personally searched for those documents.

#### Search Is Described

Q. What documents? A. A file of Daniel Ellsberg at his psychiatrists office. This file was not there. I would searched file from file cabinet. I searched his desk and the file cabinet. The men also helped me in the search. The only thing that I found in connection with him was an address book which had his name. This we photographed, and we also photographed the file cabinet to prove that we—we had forced them open, and then we left.

SENATOR NOUYE. You are a wise man. You know that if Mr. Hunt did in fact tell you to keep silent, he would be guilty of the crime of obstructing justice? A. Pardon me if I smile, Senator. If I was a wise man, I would not probably be sitting right here.

SENATOR WICKER. Now, Mr. Barker, it is 1973. Do you still feel that national security is a proper justification for Watergate? A. I feel it was a proper justification for Ellsberg and, although not in the same degree, I feel it was a justification for Watergate. But, quite frankly, I am just a human being. I get confused about all these things. Sometimes I do not know the answers to these questions. I do not pretend to have all the answers, sir.

Mr. Gonzalez—to us, this was our prime motivation.

Q. What sort of documents were you primarily looking for in the Democratic headquarters? A. I was looking for documents that would involve contributions to a national and foreign agent—The Democratic campaign, especially to Senator McGovern, and possibly also to Senator Kennedy.

Q. From any particular foreign government? A. The Foreign government that existed on the island of Cuba.

Q. Were any documents of this particular type found during the first entry into the Watergate? A. No, sir.

Q. Mr. Barker, were any offers of executive clemency transmitted to you or threats communicated to you in order to induce you to remain silent? A. No.

Q. Would you tell this committee why you chose to plead guilty? A. I was guilty. I was caught inside the national Democratic headquarters at 2:30 in the morning.

#### National Security Matter

MR. THOMPSON. Was it your opinion at that time that it was a C.I.A. operation? A. The only opinion that I can intelligently make is that it was a result of the operation in which I was involved. It was explained at that particular time and place that national security was above F.B.I. and C.I.A.

However, there was a doubt in my mind at that time to the effect of what did it mean, what did national security mean as above F.B.I. or C.I.A.? and that question has still not been solved in my mind.

Q. Let me ask you this: Do you recall a trip you took in a taxi to Mr. Bittman's office after a day of trial with Mr. McCord and Mr. Alch and Mr. Shankman? What is your recollection of that? A. I went there to meet Mr. Rothblatt. And to the best of my recollection, nothing was discussed, nothing was told to me about



**James W. McCord Jr., right, convicted Watergate conspirator, after Senator Sam J. Ervin Jr., background left, refused his request to testify**

**on a charge by Gerald Aleh, who had represented him earlier this year during trial. His present lawyer, Bernard Fensterwald, is at center.**

United Press International

the executive departments? Do you know which department? A. I believe it was the Treasury Department.

Q. Did you ever discuss with Mr. Liddy the exercising of electronic surveillance over the offices of Senator Muskie? A. Yes, sir.

Q. And — A. I will correct that, sir. We discussed the lease of a building. I don't recall electronic surveillance except in some broad general terms this might be a future target. There was nothing beyond that and this was stated in February, 1972.

Q. Now, Senator Muskie was one of the candidates for the Democratic nomination for President at that time? A. Yes, sir.

Q. Did you rent any office near the Muskie headquarters? A. I did.

Q. Where was this office located with reference to the headquarters of Senator Muskie? A. It was the next building to Senator Muskie's office.

#### Another Name for Liddy

Q. And I believe the lease was taken in your name and that of John B. Hayes? A. Yes, sir.

Q. Who was John B. Hayes? A. That was another name for Mr. Liddy.

Q. And later, Mr. McGovern took over these headquarters from Senator Muskie, did not he? A. I think after June 17, yes sir.

Q. Was there ever any discussion between you and Mr. Liddy about exercising any kind of surveillance over Senator McGovern's headquarters? A. There were, sir. They were in the context of the location of First Street primarily.

Q. And this room was rented for possible use of that commission, was not it? A. 1908 K Street was, yes sir.

Q. Did you ever make any effort to bug Senator Muskie's or Senator McGovern's headquarters? A. Never Senator Muskie's. Senator McGovern's, there was a visit to the office by me, I believe on two, or three occasions in toto, on one of which I had some electronic equipment with me but it was never installed because there were other people working there at the time.

Q. In other words, you never found any time that the office was empty? A. That is correct.

Q. You know who paid the rent on this office? A. Which one, sir?

Q. Up there by the Muskie and McGovern headquarters? A. The one at the Muskie office, Mr. Liddy furnished the funds for that and furnished a cashier's check to pay for it.

## AFTERNOON SESSION

SENATOR BAKER. What was the electronic assignment that you had?

McCORD. Installation of the technical bugging devices in the Democratic National Committee that were previously authorized by the Attorney General.

Q. Did you have instructions as to where they should be placed? A. Yes.

Where? A. In the offices themselves in connection with senior personnel officers of the Democratic National Committee and, specifically, Mr. O'Brien's telephone extension.

Q. How many bugs did you plant? A. Two.

Q. One of them was on Mr. O'Brien's telephone? A. That was an extension of a call director that was identified as Mr. O'Brien's. The second was Mr. Oliver's.

Q. The second one was where?

A. In a telephone that belonged to Mr. Spencer Oliver, who is an executive director of the Democratic state chairmen of the organization.

Q. Were you specifically instructed by someone to plant those two bugs or just the O'Brien bug? Would you give us some detail on that?

A. Sure. Mr. Liddy had passed along instructions from Mr. John Mitchell. He set the priorities. Mr. Mitchell had stated priorities of the installation were, first of all, Mr. O'Brien's offices and such other installations as that might provide information of interest to Mr. Mitchell and to whoever else the monitoring was to go to beyond Mr. Mitchell.

Q. So the Oliver phone was bugged more or less by your choice, then, as distinguished from the O'Brien phone?

A. No, I think the basic choice was this: The wording from Mr. Liddy was that Mr. Mitchell wanted it placed in a senior official's office, if not Mr. O'Brien's office, some other; in other words, two such installations.

Q. Now, you weren't apprehended on this first occasion, Memorial weekend. What was the purpose of the second entry into the Democratic National Headquarters?

A. Mr. Liddy had told me that Mr. Mitchell, John Mitchell, liked the "takes"; that is, the documents that had been photographed on the first entry into the Democratic National Committee headquarters, and that he wanted a second photographic operation to take place, and that in addition, as long as that team was going in, that Mr. Mitchell wanted, had passed instructions to Mr. Liddy, to check to see what the malfunctioning of the second device that was put in besides

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Mr. Oliver's, and see what the problem was because it was one of the two things—either a malfunction of the equipment or the fact that the installation of the device was in a room which was surrounded by four walls. In other words, it was shielded, and he wanted this corrected and another device installed.

#### Bug Reportedly Asked

He also said Mr. Mitchell wanted a room bug as opposed to a device on a telephone installed in Mr. O'Brien's office itself in order to transmit not only telephone conversations but conversations out of the room itself, beyond whatever might be spoken on the telephone.

Q. Would you describe for us then the responsibilities, if there was an additional responsibility, of those involved in the second break-in?

A. Mr. Liddy was in overall charge of the operation. Mr. Hunt was his assistant. Mr. Barker was the team captain of the group going in. My job was that of the electronic installation and the others of the group, the other Cuban-Americans, had functions divided into two categories; one of photographing certain documents within the committee, a couple of men had the function of generally being lookouts while we were inside.

Q. Did you employ Mr. Baldwin? A. Yes, I did.

Q. Did you contact him and ask him to come to Washington to discuss temporary employment which might ripen into permanent employment after the election?

A. No, sir, it was not put in that vein. I called Mr. Baldwin and asked him if he were interested in a job as a security officer for Mrs. John Mitchell, who we'd been asked to provide a security officer for. He stated that he would be interested.

#### Talks With Baldwin

I asked him to come to Washington the next morning and discuss the matters in connection with the discussions which took place that day between me and him and Mr. Fred LaRue, who made the subsequent interview of him.

Mr. Baldwin raised the question of whether or not there might be employment later. My statement to him roughly was that the position here at that point in time was only through November and that my assumption was that if he did a good job on it, there might be something else for him but there was no promise by me or Mr. LaRue and I am sure Mr. Baldwin took it that way.

Q. Did you supply Mr. Baldwin with a .38 pistol? That was obtained, given to him by Mr. LaRue, who had the weapon in his office. It belonged to Mr. Jack Caulfield.

Q. Did you ever conduct electronic surveillance or clandestine activities against anyone other than the D.N.C., the Democratic National Committee, at the Watergate complex, and the McGovern headquarters which you have already described? A. No.

A. Mr. McCord, please tell me whether or not you knew that this sort of activity was illegal?

A. I knew certain things that came to me at the beginning of the operation and early in the operation which indicated that it might be legal, may well be legal, and I was so advised.

Q. By whom?

A. First of all, if I may explain, coming through Mr. Liddy and coming through my knowledge of the Attorney General, and that was that the Attorney General, first of all, had the authority on his own signature to approve wiretapping within the United States for either national security reasons or for domestic security reasons.

Q. What was your motivation? Why did you do this?

A. There were several motivations, but one of the basic motivations was the fact that this man, the Attorney General, had approved it in his offices over a series of meetings in which he had obviously given careful consideration to it, while he was the top legal officer of the United States Government, and that the counsel to the President had sat in with him during such discussions; the fact that I was advised that it was within the Attorney General's purview and authority to authorize such operations if it were in the national interest to do so.

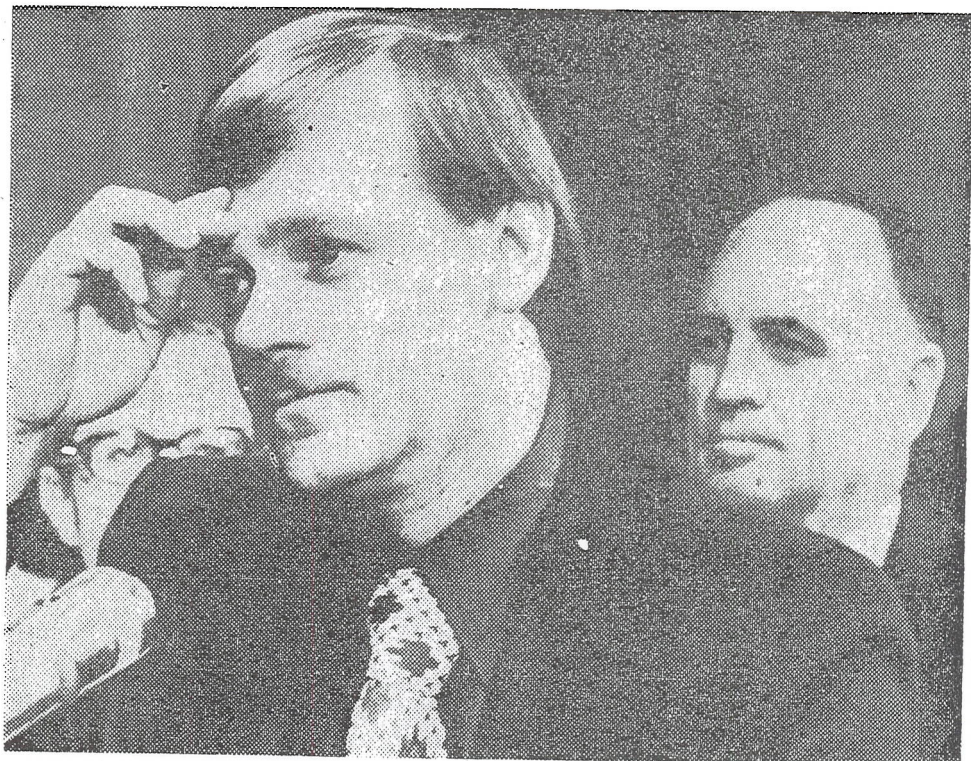
#### Motivation Question

Q. Did you believe that?

A. I believed that he had the authority to do it. I believed that several things—not only was I told certain things pertaining to some matters I previously testified to this committee regarding Las Vegas and an incident out there, but I was also aware that many things came over the Attorney General's desk that I was not privy to, that Mr. Liddy was not privy to, but which the Attorney General was privy to, matters which might come to him through highly sensitive sources, wiretap information, which might provide a justification for such an operation, a justification beyond what was known to me.

I can put it conversely as

well, I knew that, I felt that the Attorney General in his position as the top legal officer, if this operation were clearly illegal, would turn it down out of hand, that he would have no trouble making a decision on the matter immediately. I knew from previous contact with him that he was a very decisive man, that he did not agonize over decisions, and yet apparently, he took this one under careful consideration and considered it for some 30 days in making the decision, and frankly, I had it, my conclusion was that he took it as well to higher authority and got a final approval from his superior before embarking upon this task.



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Carl M. Shoffler of the Metropolitan Police Department testifying before the Senate select committee yesterday. Officer Shoffler was among those who caught Watergate spies last June. At right rear is James W. McCord Jr., who testified later before panel.

Quite candidly and quite frankly, this is exactly my motivation, my reason, the basic motivation of mine for being involved.

Q. This was your assumption or your basis for judgment that the Attorney General must have done that? Do you have any evidence or any information that he did do that?

A. The evidence that the counsel to the President sat in with him, on the meetings of this and, therefore, both the White House was represented and the Attorney General of the United States were represented in this decision and that this 30-day delay to me, I drew the conclusion that the Attorney General himself had conveyed the decision to his own superior for final decision.

SENATOR TALMADGE. Anyone else approach you about executive clemency besides Mr. Caulfield? A. I mentioned Mr. Hunt.

Q. Anyone else? A. Mrs. Hunt conveyed a message from Mr. Hunt. She was obviously not speaking for anyone but himself. She was conveying it for him and so stated.

Q. Anyone beside Mr. Hunt or Mr. Caulfield approach you on the question of executive clemency? A. Yes, sir.

Q. Who? A. My attorney, Gerald Alch, A-L-C-H.

Q. Do you know who approached your lawyer about executive clemency? A. No, sir.

Q. Your testimony is that three different individuals approached you on the idea that you would plead guilty and keep quiet and as a result thereof you could expect executive clemency is that correct? A. Yes, sir, and I believe I mentioned a message conveyed, which mentioned executive clemency by Mr. Alch on Jan. 8 from another individual.

Q. Who was that individual? A. Mr. William Bittman.

Q. Did you ever have any conversations with Mr. Mitchell yourself about that operation?

A. About the Watergate operation itself?

Q. Or any other surveillance or espionage? A. No, sir.

Q. How many different individuals talked to you and purported to speak for Mr. Mitchell about the Watergate operation or any other bugging operation? A. Speaking for Mr. Mitchell purportedly, Mr. Liddy only as speaking for Mr. Mitchell.

Q. Who else besides him? A. And Mr. Hunt raised the name of Mr. Mitchell in the context that I have testified to this morning, sir.

Q. Both Liddy and Hunt told you—A. Yes, sir.

Q. — That this operation had been approved by Mr. Mitchell? A. Yes, sir.

Q. Any others besides those two? A. No, sir.

Q. You testified this morning about a meeting in Mr. Mitchell's office. Was there more than one meeting with the Attorney General or only one? A. I just said there were more than one meeting.

Q. In which you personally were involved? A. I did not attend but I was told by Mr. Liddy there was more than one meeting that took place. I had heard him mention two specifically.

Q. Did you yourself ever attend a meeting in Mr. Mitchell's office? A. No, sir.

On any matter? A. I attended meetings, yes, in his office at the Committee to Re-elect the President when

he subsequently came over and I visited at his offices at the Attorney General's office at the Department of Justice in December on another matter but not to discuss these particular operations.

#### Internal Security Data

ENATOSR WEICKER. Did you or the Committee to Re-elect the President receive reports from the Internal Security Division of the Justice Department. A. Yes, sir, I did.



Q. Was Mr. Mardian head of that Division? A. He had been, sir.

Q. Did you receive copies of F.B.I. reports?

A. I can explain a partial answer to that, sir, if you want me to, an answer that involves F.B.I. reports.

I have raised with, I believe, Mr. Odle the problem of receiving adequate information concerning violence in demonstrations that might affect the committee headquarters in Washington and subsequently, the committee headquarters in Miami, and I asked if there were any way in which there could be some type of liaison to receive information from the F.B.I. specifically, because I knew that they would have information that was not available to us and we knew that such information was being made available to other parties for the convention itself if it directly affected those parties.

As I recall, he sent a memorandum to Mr. Mitchell asking for approval of my contact with that organization.

The next that I heard was a call from Mr. Mardian in which he referred to that memorandum and he stated that Mr. Mitchell had given approval to my contact to acquire that type of information and that I should go to the Internal Security Division, of the Department of Justice where such information as did affect, might affect, the security of the committee would be made available to me, some of which was as I have described in those reports, yes, sir.

Q. So you received data from the Internal Security Division of the Justice Department? A. I did.

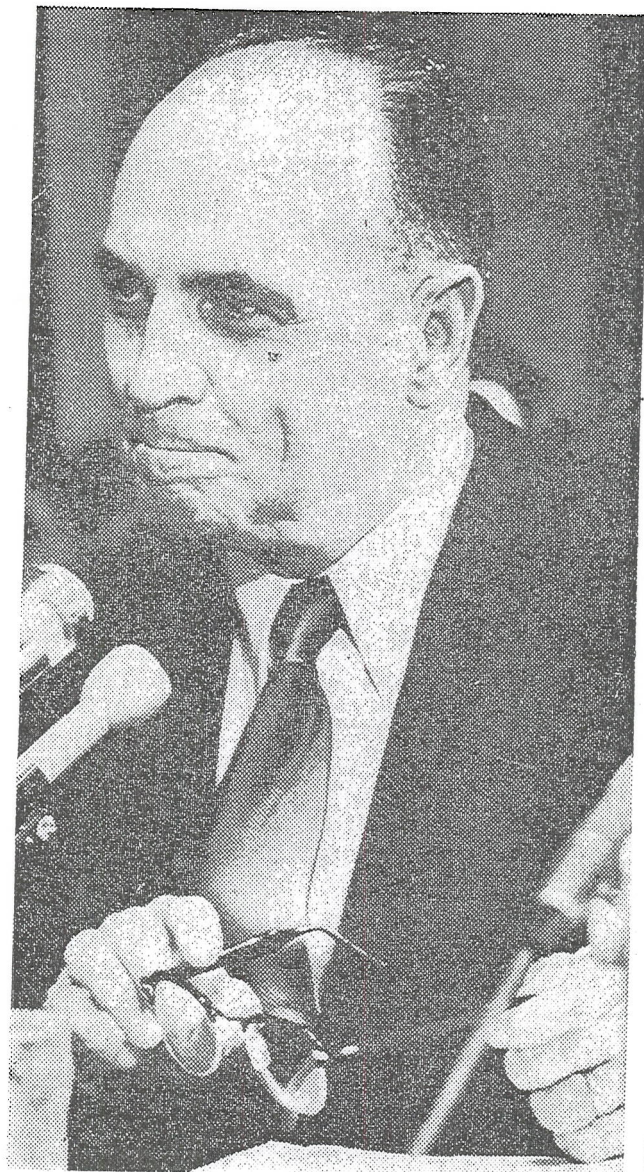
Q. And you received data from the F.B.I.? A. Not from the F.B.I. directly, no, sir.

Q. From whom did you receive such data? A. From the Internal Security Division. I do not believe the F.B.I. was ever aware of that.

Q. You say there was a subsequent memorandum? A. The memorandum which Mr. Odle wrote on this subject I subsequently received, which had Mr. Mitchell's initials on it.

Q. Do you feel or do you know whether or not similar information, similar access to this information was given to the Democratic party? A. I understood that they did have through some channels some access to information on this type; whether it came from that office, I do not know.

Q. Now I would like you to describe for me as best you can types of information, further detail, that you received from the Internal Security Division. Did you receive from the Internal Security Division, for example, or from the F.B.I. any information as it related to the candidates of their staffs? A. Yes, sir, there was one such report that I do recall specifically.



United Press International

James W. McCord in the witness chair at Senate hearing

#### Report on Veterans

Q. Can you give me details on that report?

A. One such report dealt with, as I recall, a funding operation that was reported in which the McGovern committee purportedly funded a so-called barnstorming tour of several members of the Vietnam Veterans Against the War on the West Coast, as I recall, starting from Los Angeles, Calif., and going up the Coast.

It came concurrently with some other information that that same group was planning violence at the Republican National Convention involving danger to, threats to life of individuals. I think that was succeeded very shortly, in a matter of days, by the indictment of members of the Vietnam Veterans Against the War at Tallahassee because of the violence that they did plan, including a number of things that would endanger the lives of the people at the Republican National Convention.

Q. Now, can you tell me precisely as to what the dates were in which this type of activity took place?

A. My best recollection would have been within the last two weeks of May, 1972.

Q. On how many different occasions did you receive this material? A. Almost daily, sir.

Secondly, that the counsel for the President, Mr. John Dean, had participated in those decisions with him. That one was the top legal officer for the United States at the Department of Justice, and the second gentleman the top legal officer in the White House, and it was a matter that had currently been given—

Q. Did you have any knowledge, directly or indirectly, that would lead you to believe or have information that the C.I.A. was involved in this plan?

#### Hearsay Is Basis

A. I had just the contrary, that there was no indication, no intelligence, no statements to me that this was a C.I.A. operation; that, quite the contrary, that it was an operation which involved the Attorney General of the United States at that point in time—subsequently, he became the director of the Committee to Re-elect the President—Involved the counsel to the White House; involved Mr. Jeb Magruder and Mr. Liddy, who was then general counsel, at that point in time of the Committee to Re-elect the President and, subsequently, was the finance committee general counsel. Therefore, in my mind there was an absolute certainty that the C.I.A. was not involved, neither did I ever receive any statement from any of the other codefendants, at any point in time up to June 17 or subsequently, that this was a C.I.A. operation.

Q. For the record, your restatement of your belief that the Attorney General, Mr. Magruder, other than Mr. Liddy, was hearsay based on what Mr. Liddy told you and Mr. Hunt? A. That is correct.

Q. Now, Mr. McCord, did you engage in any other break-ins or wiretaps on your own or with Mr. Hunt,

Mr. Liddy, or others such as the break-in in Mr. Ellsberg's psychiatrist's office? A. I did not.

Q. Now, after your arrest, which you testified to, did you receive any money? A. Yes, I did.

Q. From whom did you receive that money? A. From the wife of E. Howard Hunt, Mrs. Hunt.

Q. Can you tell us how much money you did receive? A. Yes, I received legal fees of \$25,000 for the payment of lawyers. I receive a continuation of salary from July through January at the rate of \$3,000 a month, which the others were receiving as well.

Q. Did you have knowledge, information, and belief as to where this money came from? A. I was told that it came from the Committee to Re-elect the President by Mrs. Hunt.

Q. Now, after your arrest and at the time of the indictment, after the trial or during the trial, did you receive any pressure, suggestions from any persons concerning what you should do about that trial with regard to your plea, behavior, or



The New York Times

Members of the Senate select committee listening to James W. McCord Jr. testify yesterday. They are, from lower left to top right: Lowell P. Weicker Jr., left foreground, Connecticut Republican; Edward J. Gurney, hand to chin, Florida Republican; Fred D. Thompson, chief minority counsel, beyond Mr. Weicker, and Howard H. Baker Jr., Tennessee Republican, at left beyond Mr. Thompson. The chairman of the committee, Sam J. Ervin Jr., North Carolina Democrat, is next (hand to chin); beside Mr. Ervin is Samuel Dash, chief counsel and staff director. Beyond him is Herman E. Talmadge, Georgia Democrat, and, in striped tie, is Daniel K. Inouye, Hawaii Democrat. At far end of the table is Joseph M. Montoya, New Mexico Democrat.

conduct? A. Yes, I did.

Q. Would you now please state to the committee from whom you received such directions or pressures, and what it was?

#### Conversations with Hunt

A. Yes, it extended over a period of time beginning, to the best of my recollection, in late September or early October, 1972, and it continued through the night before my conviction on Jan. 29, 1973. The persons who communicated information to me, which I construed as political pressure, included Mr. E. Howard Hunt; Mrs. Hunt speaking for Mr. Hunt, she stated; my attorney, Mr. Gerald Alch, John P. Caulfield—

Q. Will you please repeat again the name of your attorney that you just said?

A. Mr. Gerald, G-E-R-A-L-D, Alch, A-L-C-H, and Mr. John Caulfield, C-A-U-L-F-I-E-L-D, who had originally hired me for the position, or who had interviewed me for the position with the Committee to Re-elect the President.

Q. Now, with Mr. Hunt, and with Mrs. Hunt, recognizing that you are dealing with hearsay, in that you heard that said, what another person said, what was communicated to you by his presence? A. In regard to Mrs. Hunt or Mr. Hunt?

Q. Well, first, Mr. Hunt.

A. Conversations with Mr. Hunt began, to the best of my recollection, in late September or early October, 1972, when I was seeing him at the courthouse on various pretrial exercises or events, motions, that were transpiring, in which we would talk about various matters, including the situation that we were in, what the trial appeared to be at that point in time—that is, what the future looked like for us; and in telephone conversations, with him to me.

In other words, both in person and by telephone, Mr. Hunt stated that the defendants were going to be provided with, given executive clemency after a period of time in prison, if interested, if they pled guilty, and were sentenced in a plea of not guilty, that they were going to be given financial support while they were in prison;

that is, their families would be; and that rehabilitation, not specified but rehabilitation, perhaps a job, would be provided for the men after the release from prison.

Q. All right. Let us leave out for the moment Mrs. Hunt. Would you now proceed to any conversations you had leading up to contacts with Mr. Caulfield and what Mr. Caulfield did state to you?

Q. Mr. McCord, what led you to prepare the statement? Why have you prepared that statement?

#### McCord Reads Statement

A. I prepared it, sir, for accuracy's purpose because of the nature of the information that is contained therein, as I have done with some previous statements to this committee, where I felt that my best recollection, as best I can recall it, set down in writing, would be the most accurate way of doing it rather than, in effect, under the pressure of lights and cameras and what have you, make statements that might either be misconstrued or might be inaccurate on my part, and in order to set it forth as briefly as I know how.

Q. All right. Now, will

you please read the statement: and will you read it clearly so we can all hear it now?

A. I will state as a preliminary that the dates of the telephone calls that I refer to in this statement are to the best of my recollection; they may be inaccurate by a day or two, but they are the best recollection I have of the dates on which the calls occurred.

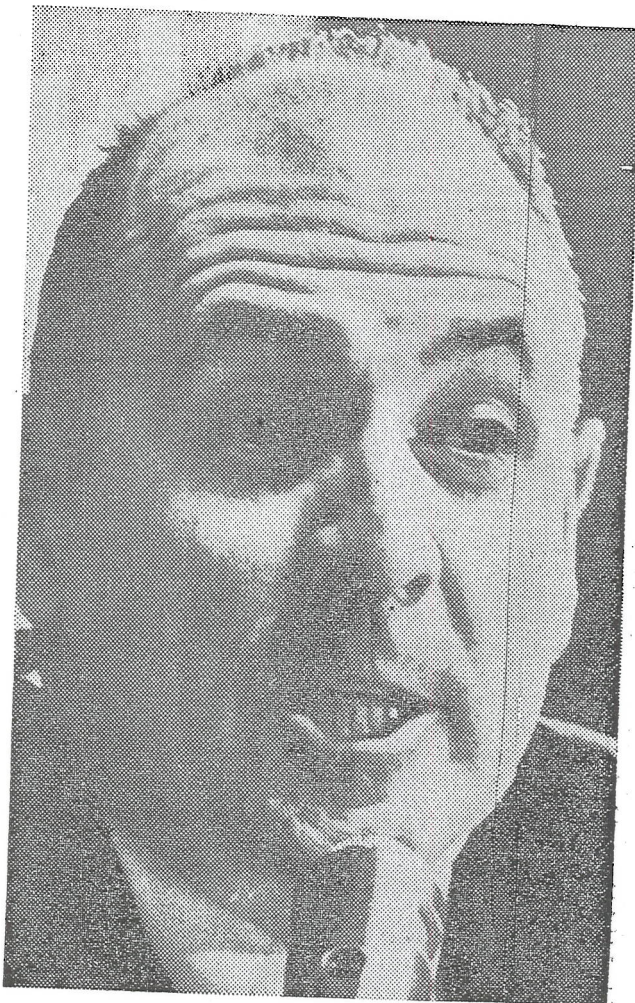
The subject is political pressure on the writer to accept executive clemency and remain silent.

Political pressure from the White House was conveyed to me in January, 1973, by John Caulfield to remain silent, take executive clemency by going off to prison quietly, and I was told that while there, I would receive financial aid and later rehabilitation and a job. I was told in a January meeting in 1973 with Caulfield that the President of the United States was aware of our meeting, that the results of the meeting would be conveyed to the President, and that at a future meeting there would likely be a personal message from the President himself.

SENATOR ERVIN. I would like to state at this point that the testimony of Mr. McCord as to what was told to him by John Caulfield would not be accepted in a court of law to connect the President with what Mr. Caulfield was doing, but it is admissible to show whether or not Mr. Caulfield was a party to any agreement to connect the President for any information on what is known as the Watergate affair, but it is not received in connection to the President at the stage.

SENATOR GURNEY. I think it ought to be pointed out at that time that—at this time, January, 1973, it is my understanding that Mr. Caulfield was not in the White House at all, but was employed, I think, by the Treasury Department.

MR. DASH. That is right.



James W. McCord Jr. testifying at the Watergate hearing The New York Times

#### Request to Testify

MR. DASH. His counsel has been informed that he wants to testify and he will accept a subpoena.

SENATOR BAKER. The answer is he is not under subpoena and my request of the chairman is that a subpoena be issued in standard form for Mr. Caulfield to testify and that he be scheduled to testify immediately next succeeding this witness.

MR. DASH. This was our understanding.

SENATOR BAKER. Mr. Chairman, will you take care of that request?

SENATOR ERVIN. Yes, I will sign it as soon as I can get somebody to prepare it.

MR. DASH. We have contacted his counsel and have been told by him that he is prepared to accept the subpoena.

Will you please proceed with your reading of the statement, Mr. McCord.

MCCORD: On the afternoon of Jan. 8, 1973, the first day of the Watergate trial, Gerald Alch, my attorney, told me that William O. Bittman, attorney for E. Howard Hunt, wanted to meet with me at Bittman's office that afternoon. When I asked why,

Alch said that Bittman wanted to talk with me about "whose word I would trust regarding a White House offer of executive clemency." Alch added that Bittman wanted to talk with both Bernard Barker and me that afternoon.

I had no intention of accepting executive clemency, but I did want to find out what was going on, and by whom, and exactly what the White House was doing now. A few days before, the White

House had tried to lay the Watergate operation off on C.I.A., and now it was closer that I was going to have to find out what was up now. To do so involved some risks. To fail to do so was, in my opinion, to work in a vacuum regarding White House intentions and plans, which involved even greater risks, I felt.

Around 4:30 P. M. that afternoon, Jan. 8, while waiting for a taxi after the court session, Bernard Barker asked my attorneys and me if he could ride in the cab with us to Bittman's office, which we agreed to. There he got out of the cab and went up towards Bittman's office. I had been under the impression during the cab ride that Bittman was going to talk to Barker and me jointly, and became angered at what seemed to me to be the arrogance and audacity of another man's lawyer calling in two other lawyers' clients and pitching them for the White House.

#### Anger Was Evident

Alch saw my anger and took me aside for about a half-hour after the cab arrived in front of Bittman's office, and let Barker go up alone. About 5:00 P.M. we went up to Bittman's office. There Alch disappeared with Bittman, and I sat alone in Bittman's office for a period of time, became irritated, and went next door, where Bernard Shankman and Austin Mittler, attorneys for me and Hunt respectively, were talking about legitimate legal matters.

I might add at this point, parenthetically, no knowledge whatever that either Bernard Shankman or Austin Mittler had any knowledge whatever of the events which I am discussing in this memorandum.

Alch finally came back, took me aside and said that Bittman told him I would be called that same night by a friend I had known from the White House.

I assumed this would be John Caulfield, who had originally recruited me for the Committee for the Re-election of the President position.

About 12:30 P.M. that same evening I received a call from an unidentified individual who said that Caulfield was out of town and asked me to go to a pay phone booth near the Blue Fountain Inn on Route 355 near my residence, where he had a message for me from Caulfield. There the same individual called and read the following message:

"Plead guilty.

"One year is a long time. You will get Executive clemency. Your family will be taken care of and when you get out you will be rehabilitated and a job will be found for you.

"Don't take immunity when called before the grand jury."

MR. DASH. Now, Mr. McCord, did you recognize that voice at all? Do you know who was speaking to you on the telephone? A. I do not know who the man was—the voice I heard over the telephone before in previous calls.

SENATOR GURNEY. Would you proceed.

A. I would be glad to. Sometime in July, 1972, shortly after I got out of jail, which was in June, 1972, about midday there was a note in my mailbox at my residence and when I opened the letter, which had not been stamped nor sent through the mails, it was a note from Jack Caulfield signed "Jack" which said, "Go to the phone booth on route 355 near your home," and he gave three alternate times at which I could appear at the phone booth for a telephone call from him.

To the best of my recollection, one of those times was very shortly thereafter, an hour or two later, and another time was the next day, and it seems to me that the third time was the following evening.

#### Calls At Phone Booth

I went to the telephone, to that telephone booth on Route 355, that afternoon, the same afternoon, as I best recall, and I heard the voice that I have referred to in this memorandum of today. I do not know the individual's identity; he had an accent that I would refer to as a New York accent. He said that he had formerly worked for Jack Caulfield. He said, "I am a friend of Jack's, I formerly worked with him. Jack will want to talk with you shortly. He will be in touch with you soon."

I received a call subsequently from Mr. Caulfield. To the best of my recollection it came to my home first and it said, "Go to the same phone booth on Route 355," which I did, and there Mr. Caulfield told me that he was going overseas in a few days. He said, "If you have any problems — if you have any

problems — call my home and leave word and I will call you back from overseas to your residence."

He said, "When you call my home ask for Mr. Watson."

SENATOR GURNEY. Mr. Watson?

A.—Watson, he said. Also, "After my return if you ever need to call me at my office," he gave a number, the office number and he said: "Simply leave word that Mr. Watson is calling."

So it was a name that both of us were to use, my name and his name. I did not contact him during the next 30 days and I next heard from him, to the best of my recollection, sometime in September, 1972, on a Sunday afternoon.

#### Uncertain About Date

I can't recall the exact date but I do recall that Mr. Clark MacGregor, then the head of the Committee for the Re-election of the President, had just finished a television appearance on one of the talk programs such as "Meet the Press," and Mr. Caulfield called me at home and again asked that I go to the telephone booth on Route 355, which I did. He stated that he had trouble getting my home phone number because it was an unlisted number,

and he stated: "We are worried about you"—this is Mr. Caulfield's statement — and he went on then to read briefly the words of a deposition which he planned to give to the Democratic National Committee—I had read in the papers a few days before that he had been scheduled as a witness before the Democratic National Committee—and he read the

deposition to me indicating that this was, in effect, what he planned to say in the deposition.

There was some reference during the conversation to something with a double agent, in quotes; Mr. Clark MacGregor, as I recall, in his television appearance had referred to the possibility of there being a double agent in the Watergate operation and the inference was that it was Mr. Baldwin, and I told Mr. Caulfield that, so far as I was concerned, whoever had drawn that conclusion had drawn absolutely an erroneous conclusion, that I had seen absolutely nothing that would indicate such, and I simply wanted to go on the record with Mr. Caulfield to that effect.

I told the caller I would not discuss such matters over the phone. He said that Caulfield was out of town.

On Wednesday evening, Jan. 10, the same party, to the best of my recollection, called and told me by phone that Jack would want to talk with me by phone on Thursday night, the following night, Jan. 11, when he got back into town and requested that I go to the same phone booth on Route 355 near the Blue Fountain Inn. He also conveyed instructions regarding a personal meeting with Mr. Caulfield on Friday night, Jan. 12.

On Friday night, Jan. 12, from about 7 P.M. to 7:30 P.M., I met with Caulfield at the second overlook—that is, overlooking the Potomac at the parking area, for looking at the parking area on George Washington Parkway in Virginia.

#### 'A Sincere Offer' Made

MR. DASH. Mr. McCord, how did you know to go there? How was it arranged?

A. I met with Caulfield at the second overlook on George Washington Parkway — that is, the second one leaving Washington and going out to Virginia — and talked with him in his car, in his automobile. Caulfield advised that he had been attending a law enforcement meeting in San Clemente, Calif., and had just returned. I advised him that I had no objection to meeting with him to tell him my frame of

mind but that I had no intention of taking executive clemency or pleading guilty; that I had come to the meeting at his request not of my own, and was glad to tell him my views.

He said that the offer of executive clemency which he was passing along, and of support while in prison and rehabilitation and help toward a job later, "was a sincere offer." He explained that he had been asked to convey this message to me and he was only doing what he was told to do. He repeated this last statement several times during the course of the meeting we had then, and I might add during subsequent meetings which he and I had.

My response was that I would not even discuss executive clemency or pleading guilty and remaining silent, but I was glad to talk with him, so that there was no misunderstanding on anyone's part about it.

I might explain that the trial was going on during this period. This was the first week of the trial which began on Jan. 8.

Caulfield stated that he was carrying the message of executive clemency to me "from the very highest levels of the White House. He stated that the President of the United States was in Key Biscayne, Fla., that weekend, had been told of the forthcoming meeting with me, and would be immediately told of the results of the meeting.

#### May Have a Message

SENATOR ERWIN. Now that the same rule previously announced. This evidence is competent to show that, if anything, John Caulfield did

to induce Mr. McCord to plead guilty and keep silent. It is not any evidence at the present state of the hearing that connects, that makes any indication whatever and has any relevancy as to the President.

McCord. He further states that "I may have a message to you at our next meeting from the President himself."

I advised Caulfield that I had seen the list of witnesses for the trial and had seen Jeb Magruder's name, appearing as a Government witness. I advised him that it was clear then that Magruder was going to perjure himself and that we were not going to get a fair trial. Further, I told him that it was clear that some of those involved in the Watergate case were going to trial and others were going to be covered for [I was referring to John Mitchell, John Dean and Magruder] and I so named those individuals, incidentally, in the conversation, and I said that this was not my idea of American justice. I further—

SENATOR ERVIN. The same ruling applies so far as John Mitchell, John Dean and Magruder are concerned—that is, that it does not connect them, legally speaking.

## Ellsberg Case Cited

MCCORD. I further advised Caulfield that I believed that the Government had lied in denying electronic interception of my phone calls from my residence since June 17, 1972, and that I believed that the Administration had also tapped the phones of the other defendants during that time. I mentioned two specific calls of mine which I was certain had been intercepted by the Government, and yet the Government had blithely denied any such tapping. These were my words to Mr. Caulfield.

I compared this denial to the denial that the Government had made in the Ellsberg case, in which for months the Government had denied any such impermissible interception of the calls and yet in the summer of 1972 had finally been forced to admit them when the judge ordered, by court order, a search of about a dozen Government agencies,

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and calls intercepted were then disclosed.

I might state, separate from the record at this point, that, as I have previously stated, I had no knowledge whatever of any activity, monitorially or what have you, of Mr. Ellsberg's calls as have previously come out, as have earlier come out in the newspapers in the past few days. It is purely coincidence that I happen to mention the Ellsberg case at that time. I had been following the case in the papers and I knew the history of the case.

To go on with the statement, I stated that if we were going to get a fiction of a fair trial, through perjured testimony to begin with, and then for the Government to lie about illegal telephone interceptions, that the trial ought to be kicked out and we start all over again, this time with all of those involved as defendants. At least in this way, "some would not be more equal than others" before the bar of justice and we would get a fair trial.

The executive clemency offer was made two or three times during this meeting, as I recall, and I repeated each time that I would not even discuss it, nor discuss pleading guilty, which I had been asked to do in the first telephone call received on the night of Jan. 8, from Caulfield's friend, whose identity I do not know. I told him, referring to Mr. Caulfield, that I was going to renew the motion on disclosure of Government wiretapping of our telephones.

## Everybody Else on Track

I did not hear from Caulfield on Saturday, but on Sunday afternoon he called and asked to meet me that afternoon about an hour later at the same location on George Washington Parkway. He stated that there was no objection to renewing the motion on discovery of Government wiretapping, and that if that failed, that I would receive executive clemency after 10 to 11 months. I told him I had not asked anyone's permission to file the motion.

# Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, May 18—Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate case:

## COMMITTEE MEMBERS

Sam J. Ervin Jr., Democrat of North Carolina, chairman.

Herman E. Talmadge, Democrat of Georgia.

Daniel K. Inouye, Democrat of Hawaii.

Joseph M. Montoya, Democrat of New Mexico.

Howard H. Baker Jr., Republican of Tennessee.

Edward J. Gurney, Republican of Florida.

Lowell P. Weicker Jr., Republican of Connecticut.

## COMMITTEE COUNSEL

Samuel Dash, chief counsel and staff director.

Fred D. Thompson, chief minority counsel.

## WITNESSES

Carl M. Shoffler, of the Metropolitan Police Department.

James W. McCord Jr., convicted participant in Watergate break-in; free on \$100,000 bail while awaiting sentence.

## PERSONS NAMED IN TESTIMONY

John N. Mitchell, former Attorney General.

John W. Dean 3d, former counsel to the President.

John Caulfield, former employe of the Committee for the Re-election of the President.

G. Gordon Liddy, former White House aide, convicted of conspiracy, burglary and wiretapping in the Watergate case; in jail.

E. Howard Hunt Jr., former Central Intelligence Agency agent and White House consultant; pleaded guilty to spying in the Watergate case; in jail.

Jeb Stuart Magruder, deputy director of Committee for the Re-election of the President.

Charles W. Colson, former special counsel to the President.

Robert C. Odle Jr., former employe of the Committee for the Re-election of the President.

Mrs. E. Howard Hunt Jr., wife of Watergate spy, killed in plane crash Dec. 8.

Eugenio R. Martinez, pleaded guilty as Watergate spy; in jail.

Virgilio R. Gonzalez, pleaded guilty as Watergate spy; in jail.

Frank A. Sturgis, pleaded guilty as Watergate spy; in jail.

Bernard L. Barker, pleaded guilty as Watergate spy; in jail.

Gerald Alch, attorney for James W. McCord Jr.

William O. Bittman, attorney for E. Howard Hunt Jr.

Bernard Shankman, attorney for James W. McCord Jr.

Austin Mittler, attorney for E. Howard Hunt Jr.

Robert C. Mardian, official of Committee for the Re-election of the President.

Frederick C. LaRue, former White House aide, chief deputy to John N. Mitchell at Committee to Re-elect the President.

Thomas J. Gregory, student who testified to conducting espionage.

He went on to say that, "The President's ability to govern is at stake. Another Teapot Dome scandal is possible, and the Government may fall. Everybody else is on track but you. You are not following the game plan. Get closer to your attorney. You seem to be pursuing your own course of action. Do not talk if called before the grand jury, keep silent and do the same if called before a Congressional committee."

My response was that I felt a massive injustice was being done, that I was different from the others, that I was going to fight the fixed case, and had no intention of either pleading guilty, taking executive clemency or agreeing to remain silent. He repeated the statement that the Government would have difficulty in continuing to be able to stand. I responded that they do have a problem, but that I had a problem with the massive injustice of the whole trial being a sham, and that I would fight it every way I know.

I should make a correction in the sentence I just read in saying the whole trial being a sham, because I did not at that point in time make any reference at any time to Judge Sirica to the contrary of his being anything but an honest and dedicated judge, and I do not want the sentence to be misread.

He—talking about Caulfield—asked for a commitment that I would remain silent and I responded that I would make none. I gave him a memorandum on the dates of the two calls of mine in September, 1972, and October, 1972, that I was sure had been intercepted, and said that I believed the Government had lied about them. He said that he would check and see if in fact the Government had done so.

On Monday night, Jan. 15, 1973, Caulfield called me again at the phone booth on Route 355 near my residence. I informed him that I had no desire to talk further, that if the White House had any intention of playing the games straight and giving us the semblance of a fair trial they would check into the perjury charge of mine against Magruder, and into the existence of the two intercepted calls previously referred to, and hung up.

## Meeting Is Arranged

On Tuesday evening, Caulfield called and asked me again to meet him and I responded not until they had something to talk about on the perjured testimony and the intercepted calls. He said words to the effect "give us a week," and a meeting was subsequently arranged on Jan. 25, 1973, when he said he would have something to talk about.

About 10 A.M., on Thursday, Jan. 25, 1973, in a meeting lasting until about 12:30 A.M.—correction, 12:30 P.M.—we drove in his car toward Warrenton, Va., and returned—that is, we drove there and returned—and a conversation ensued which repeated the offers of executive clemency and financial support while in prison, and rehabilitation later. I refused to discuss it.

He stated that I was "fouling up the game plan." I made a few comments about the "game plan." He said that "they" had found no record of the interception of the two calls I referred to, and said that perhaps I'll wait until the appeals. He asked what my plans were regarding talking publicly, and I said that I planned to do so when I was ready; that I had discussed it with my wife and she said that I should do what I felt I must and not to worry about the family. I advised Jack that my children were now grown and could understand what I had to do, when the disclosures came out.

## Offer of \$100,000

He responded by saying that "you know that if the Administration gets its back to the wall, it will have to take steps to defend itself." I took that as a personal threat and I told him in response that I had had a good life, that my will was made out and that I had thought through the risks and would take them when I

was ready. He said that if I had to go off to jail that the Administration would help with the bail premiums.

I advised him that it was not a bail premium, but \$100,000 straight cash and that that was a problem I would have to worry about, through family and friends. On the night before sentencing, Jack called me and said that the Administration would provide the \$100,000 in cash if I could tell him how to get it funded through an intermediary. I said that if we ever needed it I would let him know. I never contacted him thereafter; neither have I heard from him.

That completes the statement.

MR. THOMPSON. Mr. McCord, I would like to limit my questions to one area. That is what you know about the planning of the Watergate break-in. First of all, I would like to separate what Mr. Hunt told you someone said about it from what Mr. Liddy told you someone said about it. Did Mr. Hunt indicate to you that he knew anything about these meetings that Mr. Liddy referred to with Mitchell, Magruder and Dean?

A. The question is, did Mr. Hunt indicate —

Q. Yes, sir.

A. That he knew anything about the meetings?

Q. Yes, sir.

A. Yes, he did.

Q. What did he say about those meetings? Did he indicate he was present at any of those meetings?

A. The meetings, as best I recall, in which these references by Mr. Hunt took place, took place in Mr. Hunt's office, in the Robert F. Mullen Company offices at 1700 Pennsylvania Avenue. They took place in April and May of 1972. To the best of my recollection, Mr. Liddy was present in all of the discussions.

Mr. Liddy, during those discussions, as best I recall, would raise the topic that the planning and the progress of the operation itself was going forward, comments about what Mr. Mitchell was saying to him about what could be done in terms of the priorities of the operation; that is, which ones were to be done first and second.

#### Three-Way Discussions

Mr. Hunt's comments, his exact words I cannot recall, but his comments made to me—and not to me, made in three-way discussions that were taking place during that period of time—indicated to me that he had separate, independent knowledge, perhaps from Mr. Liddy, perhaps from other sources, of his own that Mr. Mitchell and Mr. Dean and Mr. Magruder had planned the operations in the Attorney General's office to begin with and that at least Mr. Mitchell and Mr. Magruder had had subsequent discussions after the first meeting in the Attorney General's office, and that Mr. Magruder and Mr. Mitchell had had discussion with Mr. Liddy in Mr. Mitchell's offices at the Committee to Re-elect the President regarding the ongoing plans to carry out the operations.

Does this answer your question somewhat?

Q. Well, I think it naturally raises several other questions. What did he say, as best you can recall, to indicate to you that he had any independent knowledge other than what Mr. Liddy might have told him?

A. It would fall into two separate categories. I said, one, what Mr. Liddy had told him before and, secondly, what he had learned from others. I mentioned to this committee the name of another individual, but I will not mention it at this point, that Mr. Hunt referred to in conversations, in which they were talking about the Watergate operations and the planning for the operations and so on. The statement—

#### Meeting With Hunt

Q. I think you should refer to the name. A. He referred to the name of Mr. Colson. That was interjected into the conversation by Mr. Hunt in the meetings with Mr. Liddy and me in his office, Hunt's offices, at 1700 Pennsylvania Avenue, and, specifically, when Mr. Hunt had a plan, a

typed plan, operational plan, for the entry of the Democratic National Committee Headquarters.

Q. Do you recall anything that Mr. Hunt said to you, about Mr. Colson's involvement, or did you just get the general impression that Mr. Colson was involved in some way from what Mr. Hunt told you?

A. I believe my previous testimony, which I will restate before this committee, was to the effect that, when I had met Mr. Hunt in his offices at 1700 Pennsylvania Avenue with Mr. Liddy, that he had referred to his previous work at the White House for Mr. Colson, referring to him as his superior; that during the session that Mr. Hunt, Mr. Liddy, and I had in Mr. Hunt's offices, Mr. Hunt had a typed plan that he had typed himself, step-by-step, for the entry of the Democratic National Committee headquarters; that at one point, he held this plan in his hands, and his words were, he interjected the name of Mr. Colson into the conversation at that point, words to the effect, "I will see Colson." And he held the paper in his hand in this sense.

From that statement, I drew the conclusion that he was going to see Mr. Colson and discuss our giving him the operational plan. That is a conclusion, but this is also the words as best I recall, with which Mr. Hunt raised the name of Mr. Colson.

Q. I am sure that will need to be pursued. But getting back to my original point, is that innocent of knowledge Mr. Hunt had of these meetings we referred to, he did not bring Mr. Colson into the conversation with regard to these particular meetings that you previously referred to, did he?

#### Knowledge of Meetings

A. I believe you asked me if he appeared to have knowledge. I said he appeared to have knowledge of the previous meetings of the Attorney General, in the Attorney General's office, of Mr. Liddy, Mr. Magruder and Mr. Dean and my response was to the effect that he had it from Mr. Liddy from what he told me, and I believed also that he had this information from others.

Q. You say that you think he had independent knowledge, and, of course, this is a serious matter. I think we have to determine whether or not we are relying on Mr. Liddy or Mr. Hunt and Mr. Liddy for this information, which, of course, is extremely important information. Anything you can state that Mr. Hunt told you to indicate that he had any independent knowledge of these meetings, I think would be very relevant. You can do it now or supply — you have supplied several memorandums that are very helpful in that regard. If you want to do that at a subsequent time, I think that would be appropriate.

A. I would be glad to submit the committee a memorandum if that would be helpful to you, and set it forth in exactly the detail as best I recall.

Q. Now, let us get back to the meetings in a little bit more detail, Mr. McCord. How many meetings did Mr. Liddy say there were when the over-all surveillance operations were discussed? A. At what point in time?

Q. Well, how many meetings, over all, up until June 17, did Mr. Liddy indicate that he, Mitchell, Magruder and Dean, or any combination of these people, had to discuss generally?

A. He did not say the number. It was stated to me in various and sundry meetings with Mr. Liddy between January and June 17 by Mr. Liddy that he had had several meetings with Mr. Mitchell; that there appeared to be ongoing meetings with Mr. Mitchell from the planning stage until the completion of the plans for the second entry operation on June 17; that there appeared to be continuous discussions between at least Mr. Liddy and Mr. Mitchell and sometime

Mr. Magruder, according to statements which Mr. Liddy made to me, and they began with the planning and they continued through the ongoing operation itself. The monitoring and the planning for the second operation and discussions at various stages, according to Mr. Liddy, of the various priorities of the bugging and photography operations, what was to come first, what was to come second.

#### Held Regular Talks

Q. Did Mr. Liddy come to you after each important meeting, or after each meeting where these plans were discussed, and give you a summary of the meetings, what was discussed and what the conclusions were?