

McCord Told Nixon Knew of Offers;
Cox Is Named as Special Prosecutor (8 cols)

Treasury Official Called Go-Between On Clemency Offer

By Lawrence R. Meyer
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Convicted Watergate conspirator James W. McCord Jr. testified yesterday that a government official told him that President Nixon knew the official was offering McCord money and executive clemency to remain silent about the whole affair.

McCord told the Senate select Watergate committee that John Caulfield, a Treasury Department official, who had served earlier in the White House, carried a message to McCord that Caulfield said was "from the very highest levels of the White House."

McCord testified that Caulfield told him 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. He further stated that, 'I may have a message to you at our next meeting from the President himself.'"

Presidential press secretary Ronald Ziegler issued an immediate denial of this testimony. "The President did not participate or have any knowledge of activities relating to a cover-up," Ziegler said, "and the President at no time authorized anyone to represent him in offering executive clemency."

Senate committee sources said yesterday that Caulfield had told them that he conveyed offers of executive clemency to McCord. The sources said Caulfield told committee investigators that he had acted on instructions of former White House Counsel John W. Dean III, but would not say if Caulfield told them others at the White House were involved.

The Senate Select Committee chairman, Sen. Sam Ervin (D-N.C.), said repeatedly during the hearing yesterday that until Caulfield

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HEARINGS, From A1

himself testified, McCord's statements about what Caulfield told him were hearsay concerning the President

and would not be admissible in a court of law.

McCord also told the Senate select committee that he agreed to participate in the Watergate bugging because it was "my personal opinion (that) the President of the United States had set into motion this operation." He said his opinion was based on conclusions drawn from circumstances surrounding the operation and his perception of the administration's chain of command.

Ziegler also repeated yesterday earlier White House statements denying that President Nixon had prior knowledge of the bugging of the Democratic National Committee's Watergate headquarters.

Early in the Watergate trial last January, five of the seven defendants suddenly pleaded guilty and remained silent on all aspects of the case. During the same period, McCord testified yesterday, he was under pressure to plead guilty and on three occasions was offered clemency and money in return for a promise to keep silent.

McCord reconstructed for the committee a conversation he said he had on one of those three occasions with Caulfield, whom McCord said had been a good friend. McCord quoted Caulfield as saying, "The President's ability to govern is at stake. Another Teapot Dome scandal is possible, and the government may fall. Everybody else is on the 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. Don't talk if called before the grand

jury, keep silent, and do the same if called before a congressional committee."

In addition to several meetings with Caulfield where money and executive clemency were offered, McCord said he received mysterious phone calls directing him to a pay telephone booth near his home where he was called and told to "plead guilty." His own lawyer conveyed similar offers and a codefendant's wife carried much the same message, McCord said.

When McCord was asked yesterday what he thought Caulfield meant by "the very top levels of the White House," McCord responded, "I assumed it meant one of three people: Mr. Haldeman, Mr. Ehrlichman or the President."

H. R. (Bob) Haldeman, former White House chief of staff, resigned April 30 after being linked by various allegations to the Watergate affair. Former Special Assistant to the President John D. Ehrlichman resigned the same day under the same circumstances.

McCord's testimony yesterday covered two principal areas:

- His knowledge of how the bugging of the Democratic National Committee's Watergate headquarters was planned and who participated in the decision. In this context, McCord said he had been told that John N. Mitchell, while still Attorney General, participated in the planning and direction of the bugging, along with White House counsel John W. Dean III and deputy Nixon campaign manager Jeb Stuart Magruder.

- Alleged attempts by the White House, lawyers and one of his codefendants in the Watergate trial to persuade or coerce McCord to remain silent in exchange for money and executive clemency.

Reading from a 10-page statement, McCord described a complicated series of communications from lawyers, notes, phone calls both at home and at a telephone booth near the Blue Fountain Inn on Rte. 355 near his Rockville home and the meetings with Caulfield on the George Washington Parkway. The import of all these overtures to him, which McCord characterized as "political pressure," was to urge, persuade and coerce him to plead guilty,

McCord said that at one meeting, after he told Caulfield he would not plead guilty and would talk publicly about the Watergate, Caulfield told him:

"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," McCord told the committee, "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."

McCord gave the Senators this accounts of the approaches to him to plead guilty and remain silent:

The first day of the Watergate trial, Jan. 8, McCord said his lawyer, Gerald Alch, told him that William O. Bittman, the lawyer for McCord's codefendant E. Howard Hunt Jr., wanted to talk to McCord.

"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."

McCord said he 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."

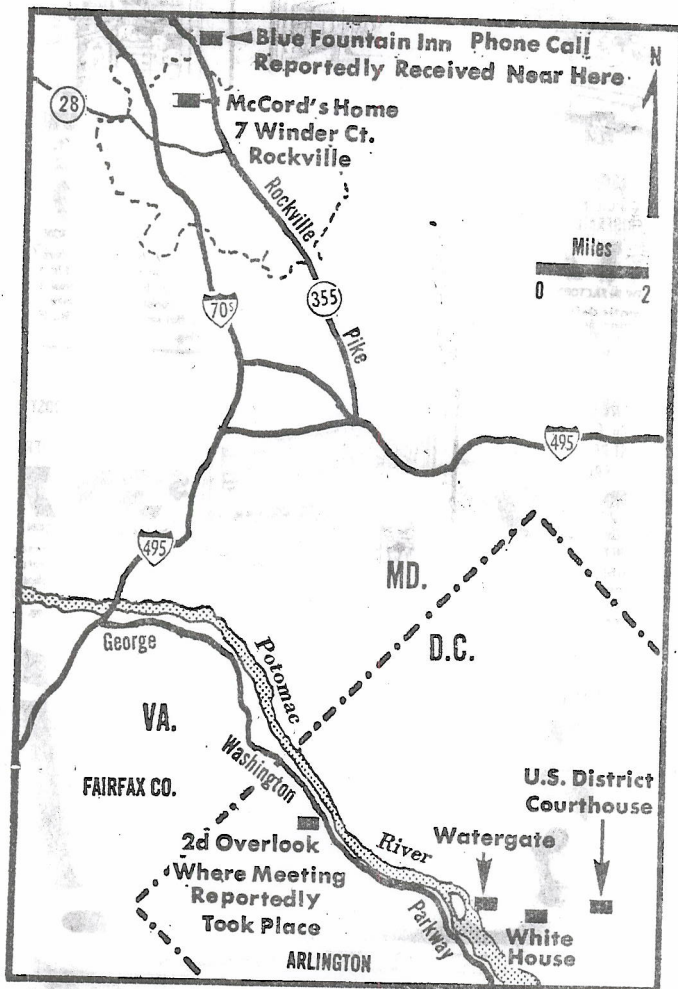
Alch and McCord went to Bittman's office, but McCord, angry at what he considered the "arrogance and audacity of another man's lawyer" trying to make a "pitch" for the White House, never actually talked to Bittman.

Alch talked to Bittman, while McCord waited in another room, and then told McCord that "I would be called that same night by a friend I had known from the White House."

McCord said he assumed the reference was to Caulfield, "who had originally recruited me for the Committee for the Re-election of the President position" when Caulfield was working in the White House.

That night, about 12:30, McCord said he received a call from "an unidentified individual who said that Caulfield was out 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 fam-



Map locates major points relating to James W. McCord Jr.'s testimony before the Senate select committee.



By Ken Fell—The Washington Post

The Rockville phone booth where James W. McCord Jr. received promises of executive clemency if he would keep quiet

about his role in the Watergate affair, according to the former CIA agent's testimony before a Senate hearing yesterday.

ly 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."

McCord said the message was read to him again and then he told the caller — whom he said he could not identify, although the person spoke with a New York accent — "he would not discuss the matter on the phone."

McCord said that exactly what was meant by "executive clemency" was never made clear. The term refers to the President's power to shorten sentences, commute them or grant full pardons and restoration of all civil rights and liberties to a convicted person.

After the first phone call, McCord said he got another on Jan. 10—the same day Howard Hunt pleaded guilty in the trial—telling him to go back to the phone booth the next night and setting up a meeting with Caulfield for Jan. 1.

The Jan. 11 phone conversation with Caulfield never took place, but McCord met with him on Jan. 12 at an overlook on the George Washington Parkway along the Potomac River in Virginia.

"Caulfield advised that he had been attending a law enforcement meeting in San Clemente, Calif., and had just returned," McCord told the committee as the packed hearing room erupted in laughter. (President Nixon was at the western White House in San Clemente from Jan. 5 until the 9th, but returned to Washington on the 9th and was in the Capital on Jan. 12th.)

McCord said he told Caulfield he had no objection to talking but advised Caulfield "that I had no intention of taking executive clemency of pleading guilty, that I had come to the meeting at his request and not of my own, and was glad to tell him my views."

Caulfield, McCord said, told him that the offer of executive clemency was a "sincere offer." He explained that he had been asked to convey this message to me and was only doing what he was told to do. He repeated the last statement several times.

McCord said Caulfield then told him 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." McCord testified that Caulfield also said at the next meeting he might have a message to McCord "from the President himself."

One reason McCord said he balked at offering executive clemency was that he had seen a list of witnesses for the trial with former deputy Nixon campaign manager Magruder's name on it.

"It was clear then that Magruder was going to perjure himself and that we

were not going to get a fair trial," McCord testified.

"Further I told him (Caulfield) 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 that was not my idea of American justice," McCord said.

McCord said he also believed that the government, despite its denials in court, had been tapping his telephone since June 17 along with the other defendants.

"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," McCord said.

"At least in this way," McCord said, "some would not be more equal than others' before the bar of justice and we would get a fair trial."

The meeting ended with Caulfield saying he would call the next day about another meeting. Caulfield next called, McCord said, on June 14 and arranged a second meeting at the overlook on the George Washington Parkway.

This time Caulfield told him that the President's ability to govern is threatened" and admonished McCord to follow the "game plan," "get closer to your attorney."

McCord said he told Caulfield "a massive injustice was being done, that I was different than 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 re-

main silent." McCord said he told Caulfield that the trial was a "sham" but he quickly pointed out to the senators yesterday that he excluded the trial judge, Chief U.S. District Judge John J. Sirica, from that characterization.

Caulfield called three times after the Jan. 14 meeting, but McCord said he refused to meet. Their last meeting, this time a drive to Warrenton, Va., on Jan. 25, involved another discussion of clemency, money and "rehabilitation."

Caulfield told him, McCord said, "that I was 'fouling up the game plan.' I made a few comments about the game plan."

McCord said he told Caulfield he would speak out when ready and that Caulfield responded that the administration "will have to take steps to defend itself." Under questioning by the committee, McCord said he had never received any direct threats nor had members of his family, although he said his wife was concerned.

The night before McCord was to be sentenced—March 23—he said Caulfield called and offered to put up the \$100,000 cash bond needed to keep McCord free. "I said that if we ever needed

it, I would let him know. I never contacted him thereafter; neither have I heard from him," McCord said.

McCord, 49, hunched over the microphone and delivered his testimony slowly, with a soft voice that suggested his Oklahoma birth. He told Ervin at one point, when Ervin asked him to speak louder, that he was "hoarse."

The second principal area of McCord's testimony involved the planning and execution of the Watergate bugging—discussions that he said included plans for bugging the residence and office of the then Democratic chairman, Lawrence F. O'Brien, the headquarters of Sen. George S. McGovern and perhaps also the headquarters of Sen. Edmund S. Muskie. Ultimately, McCord said, only the Democratic headquarters in the Watergate were bugged as far he knew.

Convicted Watergate conspirator G. Gordon Liddy, then an official of the re-election committee, started talking to him about the bugging operation in January or February 1972, McCord testified.

McCord said Liddy told

him that Mitchell, Magruder and Dean were discussing the bugging with Liddy and that meetings had taken place in Mitchell's office while he was Attorney General.

McCord said his understanding from Liddy was that these meetings had continued through the time of the first break-in at the Watergate on May 27 and the second on June 17 when two bugs were planted and documents photographed.

When McCord was pressed to explain why he participated in an activity that was illegal, he gave two basic explanations: he was concerned, as security director for the re-election committee about violence from demonstrators, and he believed that Mitchell had legal authority, especially with White House backing, to authorize wiretaps.

"Why did you go ahead with it?" Sen. Edward J. Gurney (R-Fla.) asked McCord.

"For basically the reasons I have stated, but those were not the only reasons," McCord replied. "The fact that the Attorney General, the White House itself, and in my personal opinion, the President of the United States, I felt, had set into motion this operation. Because of the close relationship of Mr. Mitchell and Mr. Dean and the fact that Mr. Dean worked with the President."

When Gurney asked why McCord had waited so long—his testimony was made known to the committee only two days ago—to give these facts, McCord replied, "because it involved directly the President of the United States. It also involved an individual that I considered a personal friend, Mr. Jack Caulfield."

At one point in his testimony, McCord said that the name of former White House special counsel to the President Charles W. Colson was interjected by Hunt during a meeting to discuss the Watergate operation.

Hunt, McCord said, referred during one meeting to having worked for Colson in the White House Holding typewritten pages. Hunt had typed himself, McCord said, Hunt told him "I will see Colson" and he held the paper in his hand in this sense (showing that Hunt had gestured with the papers)."

At the conclusion of his

testimony yesterday afternoon, McCord was asked by the ranking minority members of the committee, Sen. Howard H. Baker Jr. (R-Tenn.) to return Tuesday and provide a fuller explanation on several points, including a reported Hunt

Liddy plan to burglarize the safe of Las Vegas Sun publisher Hank Greenspun to obtain information supposedly damaging to Muskie.

Baker asked McCord, who will resume testimony when

the committee reconvenes Tuesday, to answer questions "the committee doesn't have enough sense to ask."