

McCord Hits Nixon

On Funds Silence

By Jules Witcover

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James W. McCord Jr., one of the convicted Watergate conspirators, yesterday accused President Nixon of having "deliberately concealed and suppressed" knowledge of hush-money payments to Watergate defendants.

Had the President's knowledge of such payments been made known nearly a year ago when Mr. Nixon first learned of them, McCord charged, disclosure "would have overturned the convictions of the seven Watergate defendants."

McCord labeled "a fantastic admission" Mr. Nixon's Wednesday night press conference statement that then-White House counsel John W. Dean III on March 21, 1973, "told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense."

Mr. Nixon added Wednesday that "if it had been simply their defense, that would have been proper, I understand. But if it was for the purpose of keeping them quiet—you describe it as hush money—that, of course, would have been an obstruction of justice."

The statement appeared to be directly at odds with what Mr. Nixon said on August 15, 1973, in his televised talk to



JAMES McCORD
... letter to media

the nation on Watergate. Speaking of the March 21, 1973, meeting with Dean, he said:

"I was told then that funds had been raised for payments to the defendants, with the knowledge and approval of persons both on the White House staff and at the re-election committee. But I was only told that the money had been used for attorneys' fees and family support, not that it had

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been paid to procure silence from the recipients."

Only the day before the Nixon-Dean meeting, McCord recalled in an open letter to news organizations, U.S. District Court Judge John J. Sirica had opened McCord's sealed letter asserting "there was political pressure applied to the defendants to plead guilty and remain silent."

In failing to advise Sirica or any other authority of the hush-money payments, which Mr. Nixon himself described as an obstruction of justice, the President was in violation of a federal statute against concealment of a felony, McCord charged.

"President Nixon neither immediately made known to Judge Sirica, nor to his Attorney General, nor to the director of the FBI nor to the prosecutors the obstruction of justice information given him by Dean on March 21," McCord said.

"Yet only seven weeks later, Judge (W. Matt) Byrne threw out the Ellsberg case in Los Angeles for identically the same substantive reasons, the concealment of evidence by government, stating that the case had been incurably infected by this government concealment and wrongdoing.

"Had President Nixon either immediately furnished the information to Judge Sirica or ordered Dean to immediately do so, my claim to Judge Sirica in my letter of political pressure on the defendants to remain silent would have been

immediately corroborated and all seven convictions or pleas would have had to been [sic] thrown out on the same grounds that Judge Byrne dismissed his case."

Mr. Nixon said at his Wednesday press conference that after the March 21 meeting he ordered key aides to meet with Dean "so that we could find what would be the best way to get the whole story out," and that when Dean failed to produce a requested report, Mr. Nixon directed John D. Ehrlichman on March 30, 1973, "to conduct an independent investigation."

Mr. Nixon's failure to disclose that he knew of the hush-money payments, McCord said, "should have both the prosecutors and the judge before the Circuit Court of Appeals today requesting that my conviction and that of (convicted conspirator G. Gordon) Liddy be immediately dismissed . . . Does it have to take actual murder of the Watergate defendants to conclude presidential wrongdoing?"

McCord cited the misprision of a felony statute, Title 18, Section 4 of the Federal Criminal Code, which says that "whoever having knowledge of the actual commission of a felony cognizable by a court of the United States conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years or both."