

# Call Nixon to Testify, McCord Asks Sirica

Washington

James W. McCord Jr., saying President Nixon should have apprised the court at the time he learned that hush money was paid some of the Watergate de-

fendants, asked U.S. District Judge John J. Sirica yesterday to call a hearing and order the President to testify.

"He had a positive duty under his oath of office and under the criminal statutes

of the United States to make this information available to the court without delay." McCord said in a motion filed in U.S. District Court.

On March 19 last year, four days before he was scheduled to be sentenced with six others for the Watergate burglary and wiretapping, McCord wrote Sirica, alleging perjury and massive obstruction of justice in the case.

President Nixon said in his news conference last week that on March 21 he learned from then White House counsel John W. Dean III "that payments had been made to the defendants for the purpose of keeping them quiet, not simply for their defense."

McCord said he was unaware of the specific facts of the hush money when he wrote his letter and "could not single-handedly prove his allegations." He said he received none of the money.

But, he said, if the President had performed his duty as the "highest law enforcement officer in the land," and advised the court, Sirica would have had "an absolute duty" to lift McCord's conviction and either order a new trial or dismiss the charges.

The motion asks Sirica now to lift the conviction and one to five year sentence.

*Associated Press*