

# McCord's Break-in

Washington.

The U.S. Court of Appeals upheld yesterday the conviction of Watergate burglar James W. McCord Jr., who claimed that perjured testimony prevented a fair trial.

The court also upheld U.S. District Judge John J. Sirica in suspending the execution

of G. Gordon Liddy's Watergate sentence while he served a separate contempt sentence.

An opinion written by Chief Judge David L. Bazelon said the appeals judges "affirm McCord's conviction in its entirety."

McCord claimed that Nix-

DEC 13 1974

## Conviction Upheld

on campaign officials Jeb Magruder and Herbert Porter had both admitted giving perjured testimony at McCord's trial when asked if they had authorized or had knowledge of McCord's break-in at Democratic National Committee headquarters in the Watergate.

The appeal also asked reversal of the conviction on grounds that the then acting FBI director, Patrick Gray, and others, possibly including former presidential legal counsel John Dean III, destroyed evidence.

McCord also claimed he should be given a new trial

because of "other newly discovered evidence, largely on the various tape recordings of conversations between former President Nixon and his subordinates."

The court said the newly discovered evidence "is simply not relevant at all to the basic issue at his trial: did he or did he not break into the offices of the Democratic National Committee.

*Associated Press*