McCord Accuses Original Attorneys In $10 Million Suit

By Deborah Sue Yeager
Washington Post Staff Writer

Convicted Watergate defendnat James W. McCord Jr., yesterday filed a $10 million damage suit against his original attorneys, including F. Lee Bailey, accusing them of "legal malpractice" in the handling of his defense at the first Watergate burglary trial.

William A. Mann, McCord's most recent lawyer since his arrest June 17, 1972, accompanied the convicted conspirator as he filed papers at the U.S. Supreme Court and U.S. District Court for the District of Columbia.

Bailey did not return any of several telephone calls placed to h i m by The Washington Post.

In an interview yesterday, McCord said he was filing the damage suit because "there was not a fair trial or due process of law," McCord contended that he was not properly represented because his lawyers "were in collusion with the prosecution and federal officials."

He also said his conviction at the trial, held in January, 1973, came on the basis of perjured testimony by two former White House staff members. He added that former President Richard M. Nixon had "concealed" evidence of potential benefit to his defense.

McCord talked to a reporter as he sat in Mann's Chevy Chase office yesterday morning wearing a navy and red checked sport jacket over a blue shirt. Two weeks ago, the U.S. Court of Appeals unanimously upheld McCord's conviction, rejecting his contention that governmental and judicial improprieties had irreparable tainted his trial.

Specifically, McCord said in his suit, there were certain "conflicts of interest" that prevented Bailey and his former partner, Gerald Alch, from "utilizing that degree of skill and learning normally used by attorneys" who practice in the metropolitan area.

As an example, he cited John Dean's testimony before the Senate Watergate committee that at a luncheon on March 22, 1973 with former Attorney General and alleged cover-up co-conspirator John N. Mitchell, Mitchell "raised the fact that F. Lee Bailey, who had been 'very helpful' in dealing with McCord, had a problem he would like to bring up." Dean then testified that Mitchell said Bailey had a client with an "enormous" amount of gold who wanted to return the gold to the government without being individually prosecuted.

McCord also charged that in spite of his objections, Alch allowed the prosecution to introduce electronic equipment used in the Watergate burglary as evidence during the trial. Despite repeated attempts, Alch could not be reached for comment yesterday.

In his six-page application to the Supreme Court, McCord stated that Certain U.S. officials "exerted overt pressure . . . to plead guilty, keep quiet, and accept offers of executive clemency . . . " McCord alleged yesterday that those "officials" included former White House counsel Dean and former Treasury Department agent John Caulfield.

McCord further charged his former lawyers with negligence for asking him to remain quiet and accept such clemency offers. He said Alch and William O. Bittman, attorney for Watergate defendant E. Howard Hunt, both tried repeatedly to persuade McCord to plead guilty.

Bittman was named in the Watergate cover-up indictment as a unindicted conspirator. During the past one and one half years Watergate witnesses have told of delivering large sums of cash to Bittman for payment to Hunt, which the prosecutors contend were payments in return for Hunt's silence.

McCord was convicted of illegal wiretapping, illegal possession of wiretap devices, burglary and conspiracy in January, 1973. He was sentenced by U.S. District Court Judge John J. Sirica to a minimum of one year in prison, and has been free on bond pending appeal.

In his suit, McCord also asked for a 30-day extension of the deadline under which he must file to heve his conviction and sentencing viewed.