

[The station played a telephoned tape from Washington, dictated by Judy Miller, Pacifica-Washington, recounting the day's events in the Watergate trial, including ~~in account of the~~ guilty pleas entered by the Miami Four, Barker, Sturgis, Gonzales and Martinez.]

....When court recessed for lunch, Gerald Alch, attorney for James McCord, met reporters outside the courthouse and told them he would file a motion for a mistrial ~~for a mistrial~~ when court reconvened in the afternoon:

Alch (voice): When we resume at 2:15 I intend to make a motion for a mistrial. The grounds of my motion will be as follows: It's to be recognized that in every criminal trial involving multiple defendants, there always exists the possibility that after the trial begins, some of the defendants will plead guilty. That's undesirable, but in most cases unpreventable. In this situation we have a combination of undesirable being preventable: that is, in Mr. Hunt's case -- and this has been made a matter of record in a motion that I made for mistrial after Mr. Hunt changed his plea, which motion was denied -- that it was made known to the prosecution, and to the judge, prior to trial, No. 1, that Mr. Hunt wanted to change his plea to guilty to three counts, and ~~that~~ that if this were not acceptable to the judge he would change ~~his would change~~ his plea to guilty on all counts of the indictment as it pertained to him. It was at the direction of the court that this change of plea was not brought forth until after opening statements. Well, this was a situation where the plea, change of plea -- on the part of Mr. Hunt could have been avoided, could have been accomplished prior to ~~trial~~ the commencement of trial. Now with regard to the change of plea of the other four defendants that happened this morning, the letter that the judge read on the record reflected that they made known their intention to their lawyer Sunday night before the trial started, January 7, 1973, that they wanted to plead guilty. In my opinion it was incumbent upon counsel to immediately call that to the attention of the prosecution and the court. Had that duty been discharged, again, that could have been and should have been resolved prior to the commencement of trial. So because it could have been prevented, and was not, you have a situation where a jury, picked from a group practically a majority of which acknowledge that they have read, heard or seen the case in the newspapers -- all the articles prior to trial referred to the Watergate Seven....the trial starts, they see seven defendants around the table. Now as we take the third day of testimony about to commence this afternoon, five are gone, two are left. In my opinion, despite what the judge may tell the jury to regard or disregard, the inference is unavoidable that these five pleaded guilty, and that according to the government's presentation it was a package deal, and that if five are guilty the other two must be guilty. That'll be the basis of my motion.

[To a question as to whether any other jury would not also be similarly influenced, Alch said if his motion were granted he would seek a delay in the trial to allow things to "cool off."]

Q: Mr. Alch, are you ruling out the possibility that your client, Mr. McCord, may plead guilty in the case?

Alch: As of now there is no chance whatsoever of pleading guilty.

[Judy Miller's account continues that after the noon recess Alch "did indeed file his motion, which was denied by Judge Sirica."]

----