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McCord: Members of My Family... Fear for My Life

Following is the text of James W. McCord Jr.'s letter to U.S. District Judge John J. Sirica:

To: Judge Sirica March 19, 1973

Certain questions have been posed to me from your honor through the probation officer, dealing with details of the case, motivations, intent and mitigating circumstances.

In endeavoring to respond to these questions, I am whipsawed in a variety of legalities. First, I may be called before a Senate Committee investigating this matter. Secondly, I may be involved in a civil suit, and thirdly there may be a new trial at some future date. Fourthly, the probation officer

may be called before the Senate Committee to present testimony regarding what may otherwise be a privileged communication between defendant and Judge, as I understand it; if I answered certain questions to the probation officer, it is possible such answers could become a matter of record in the Senate and therefore available for use in the other proceedings just described. My answers would, it would seem to me, to violate my fifth amendment rights, and possibly my 6th amendment right to counsel and possibly other rights.

On the other hand, to fail to answer your questions may appear to be non-cooperation, and I can therefore expect a much more severe sentence.

There are further considerations which are not to be lightly taken. Several members of my family have expressed fear for my life if I disclose knowledge of the facts of this matter, either publicly or to any government representative. Whereas I do not share their concerns to the same degree, nevertheless, I do believe that retaliatory measures will be taken against me, my family, and my friends should I disclose such facts. Such retaliation could destroy careers, income, and reputations of persons who are innocent of any guilt whatever.

Be that as it may, in the interests of justice, and in the interests of restoring faith in the criminal justice system, which faith has been severely

damaged in this case, I will state the following to you at this time which I hope may be of help to you in meting out justice in this case:

1. There was political pressure applied to the defendants to plead guilty and remain silent.

2. Perjury occurred during the trial in matters highly material to the very structure, orientation, and impact of the government's case, and to the motivation and intent of the defendants.

3. Others involved in the Watergate operation were not identified during the trial, when they could have been by those testifying.

4. The Watergate operation was not a CIA operation. The Cubans may

have been misled by others into believing that it was a CIA operation. I know for a fact that it was not.

5. Some statements were unfortunately made by a witness which left the Court with the impression that he was stating untruths, or withholding facts of his knowledge, when in fact only honest errors of memory were involved.

6. My motivations were different than those of the others involved, but were not limited to, or simply those offered in my defense during the trial. This is no fault of my attorneys, but of the circumstances under which we had to prepare my defense.

Following sentence, I would appreciate the opportunity to talk with you

privately in chambers. Since I cannot feel confident in talking with an FBI agent, in testifying before a Grand Jury whose U.S. Attorneys work for the Department of Justice, or in talking with other government representatives, such a discussion with you would be of assistance to me.

I have not discussed the above with my attorneys as a matter of protection for them.

I give this statement freely and voluntarily, fully realizing that I may be prosecuted for giving a false statement to a Judicial Official, if the statements herein are knowingly untrue. The statements are true and correct to the best of my knowledge and belief.

James W. McCord, Jr.