

# MCCORD REJECTED LENIENCY OFFERS

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## Prosecutor Says He Refused Deals to Give Data and Face Lesser Charge

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By SEYMOUR M. HERSH  
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WASHINGTON, March 26—The chief prosecutor in the Watergate trial disclosed tonight that James W. McCord Jr., one of those convicted, had twice turned down government offers of reduced charges in return for becoming a state's witness in the case.

The prosecutor, Earl J. Silbert, principal assistant United States attorney, declared that he was baffled by McCord's decision to start talking now to the select Senate committee investigating the case. "I can't figure it out," Mr. Silbert said.

The first offer, Mr. Silbert said, was made in October and would have resulted in the dropping of seven of the eight charges against McCord — including wiretapping and burglary counts—in return for a guilty plea to conspiracy charges and a promise to name all of the officials involved in the June 17 bugging of the Democratic National Committee headquarters in Washington.

Mr. Silbert, obviously stung by the growing criticism of his prosecution of the case, said that the October offer—conveyed to attorneys for McCord—had been conditional on his acceptance by early November, before the 1972 Presidential elections.

"We tried to break this case

Continued on Page 36, Column 3

Continued From Page 1, Col. 2

open within bounds of legal propriety, before the elections," the prosecutor said.

Both Mr. Silbert and his chief aide, Seymour Glanzer, said they were surprised when McCord turned down the October offer.

"We were ultimately willing to reduce the charges to conspiracy, reducing his ultimate exposure from a maximum of 40 years in prison to a maximum of five," Mr. Glanzer said. He added that McCord could have expected to serve no more than 20 months in prison upon conviction of the conspiracy count.

Six of seven men indicted in the bugging case were sentenced tentatively on Friday to maximum terms ranging from 20 to 40 years, but Chief Judge John J. Sirica of the Federal District Court here postponed sentencing of McCord after he indicated that he would supply the authorities with more information about the case.

"We gave him an offer he couldn't refuse," Mr. Silbert said, "and he did."

McCord's two attorneys, Gerald Alch and Bernard Shankman, who conveyed the offer, were said to have advised their client to accept it. A second prosecution offer, made in January, was also rejected by McCord.

Mr. Silbert also noted that during the trial Judge Sirica repeatedly urged the defendants and their attorneys "to come to him and tell the truth."

### Highest in Hierarchy

The prosecutor explained that he and his colleagues had singled out McCord for the offer of a deal because, of the five men caught inside the Democratic headquarters, he obviously was "the highest in the conspiratorial hierarchy."

"Our own thinking," Mr. Silbert said in an interview, "was that since the trial was not going to be held before the November election, we'd have to make an offer to McCord if there was going to be any revelations before then."

Under the proposed agreement, the prosecutor said, McCord would have been compelled to tell the Government which other persons were in-

involved in the Watergate conspiracy and who received the logs of overheard telephone calls inside the Democratic party offices.

Witnesses during the Watergate trial had described McCord as the official who handled the flow of transcriptions and logs stemming from the illegal telephone tap there.

Both Mr. Silbert and Mr. Glanzer emphasized during the telephone interview that there was no evidence brought before them during the investigation and trial to link other officials of the Committee for the Re-Election of the President with knowledge of the Democratic party telephone tap.

They refused to discuss any possible involvement of Jeb Stuart Magruder, who—along with John W. Dean 3d—was reportedly named by McCord as knowing in advance of the Watergate operations.

Other sources in the United States attorney's office said, however, that if Mr. Magruder had known of and authorized the money for the Watergate operation that would have been enough to include him in the conspiracy charge.

25 OCT  
(WX POST 28 MAR)

\* DURING FIRST  
WEEK OF TRIAL  
WX POST 28 MAR