

# JUDGE WON'T SEAL McCORD TESTIMONY

— APR 13 1973

Rejects Ervin Plea on Data  
in Watergate Civil Suits  
NYTimes

By WALTER RUGABER  
Special to The New York Times

WASHINGTON, April 12—A Federal judge rejected today a request by Senate investigators to keep secret further pretrial testimony by James W. McCord Jr., one of those convicted in the Watergate conspiracy.

Senator Sam J. Ervin Jr., the North Carolina Democrat who is chairman of a committee studying the Watergate case had urged Judge Charles R. Richey, of the United States District Court for the District of Columbia to seal transcripts of McCord's deposition in three civil suits.

"Public disclosure might well result in leads becoming fruitless and witnesses becoming unavailable," Senator Ervin said in a letter to the judge earlier this week. The Senate inquiry "would be seriously impaired," Mr. Ervin added.

Judge Richey, at a pretrial hearing on the three civil suits that the Democrats and Republicans have filed against each other in connection with the Watergate affair, rejected the suggestion in stern language.

"This court will not allow either the legislative or executive branch of the Government to interfere directly with the conduct of any proceedings in my court," he said. "I will not—repeat, I will not—tolerate any interference."

## News Conference Off

The Ervin committee's chief counsel, Samuel Dash, had emphasized that the Senator's letter was only a "request" and that the committee did not intend to "intercede" or to "impede" the pending civil trial.

The panel accomplished one of its aims, however. It was announced by lawyers for McCord that he would call off the news conference at which he had proposed to tell what he knows about the case.

One of the attorneys, Bernard Fernsterwald of Washington, said that Senator Ervin's letter and statements by the panel's staff had made it "quite clear" that the committee wanted the news conference cancelled.

McCord is expected to meet again with the Senate committee staff, possibly tomorrow. His civil deposition, which began last week, will be resumed later. A definitive date was not immediately arranged.

Lawyers for both the Democrats and the Republicans opposed sealing the transcript of the pretrial testimony. Some of them, and Judge Richey as well, were motivated in part by a concern that McCord's statement might link out any way.

Judge Richey said he did not want to convert his court into a vehicle for punishing leaks, and he remarked pointedly that he did not "think we'd even have a select committee without the press" and its reports on the scandal.

## Responsibility Stressed

The judge said he abhorred hearsay statements but he voiced confidence that remarks by witnesses on the Watergate affair "will be carefully evaluated by the responsible press and a thoughtful public."

McCord's testimony, both to the Senate committee and to a Federal grand jury investigating the conspiracy, has leaked widely to the press in varying degrees of detail and accuracy.

The Los Angeles Times and The Washington Post reported "leakage" of wiretapped telephone transcripts today, for example, that McCord had told the grand jurors he understood that "transcripts" of wiretapped telephone conversations went to former Attorney General John N. Mitchell.

Like most of his other testimony, it was understood that this assertion, denied by Mr. Mitchell, was attributed to one of McCord's convicted co-conspirators, G. Gordon Liddy.

An attorney for the Republicans, Kenneth Wells Parkinson, argued at the hearing today that such leaks of the McCord testimony have made "a complete charade" of the grand jury process.

He said that if the court should seal the remainder of the McCord civil case deposition, "We can expect the seal to be disregarded." He asserted that McCord's testimony included "false," "malicious," and "defamatory" statements.

The New York Times has reported that McCord told the grand jurors he believed that Mr. Parkinson had channeled Republican cash to the defendants in the Watergate case in return for their silence.

Mr. Parkinson, who denied that allegation earlier but made no allusion to it today, nevertheless urged that "if there was ever a deposition in a civil case that ought not to be taken under seal," McCord's was it.

On another dispute in the civil cases, Judge Richey withheld immediate judgment on whether the Democrats could compel the White House, the Justice Department and the United States Attorney's Office to turn over its files on the case.

Also today, at least two other former employes of the Committee for the Re-election of the President appeared before the grand jury. They were Powell Moore, an information officer who is now a White House aide, and Sally J. Harmany, a former secretary to Liddy who is now working at the Nixon inaugural committee.