

Warning Against Blaming C.I.A. Is Laid to McCord

NYTimes

By SEYMOUR M. HERSH MAY 22 1973

Special to The New York Times

WASHINGTON, May 21 — James W. McCord Jr. sent John J. Caulfield, a former White House aide, an unsigned letter shortly before the Watergate trial warning that if the

Nixon Administration persisted in an attempt to depict the bugging operations as inspired by the Central Intelligence Agency, he would "bring the house down," sources close to the case said today.

"He wanted to make it clear," a McCord associate said, "that if they wanted to put this off on the C.I.A., he was going to blow their story clear out of the water."

McCord's alleged letter, which the former C.I.A. security official did not mention during his televised testimony before the Senate Watergate committee last Friday, was mailed in late December.

Called 2 Embassies

The sources said that McCord, a convicted Watergate burglar and conspirator, then made a token telephone call to the Israeli and Chilean Embassies in Washington, which he knew from his days as a C.I.A. official to be wiretapped by the Federal Bureau of Investigation, and, they said, he later demanded that White House officials prevail on Federal prosecutors to concede that he had been overheard on an illegal wiretap and dismiss the charges against him.

"He wanted the Government to come in and say it had overheard him," one source said. "He told Caulfield that's the way he wanted it done."

Mr. Caulfield, a former New

Continued on Page 28, Column 6

Continued From Page 1, Col. 7

York City undercover police man who joined the White House staff in April, 1969, took McCord's demand to John W. Dean 3d, then the White House counsel, the source said. "Dean wanted to do it that way, too," the source added, "but the F.B.I. conducted a search and couldn't find anything."

During the first weeks of the trial, McCord's attorney, Gerald Alch of Boston, made two motions for the disclosure of wiretap information but the Federal prosecutors reported that a search of all relevant wiretap logs proved negative.

McCord, who served 19 years with the C.I.A. before joining the President's re-election committee early in 1972 as a security co-ordinator, will testify again tomorrow before the Senate Watergate committee. His initial appearance Friday was televised nationwide.

One Government source noted, however, that McCord had refused to discuss the involvements of higher-ups during the Federal inquiry into the Watergate affair last fall, and continued to do so even when provided with two chances for reduced charges.

This source suggested that McCord's threatening letter to Mr. Caulfield may have been a factor behind Mr. Caulfield's reported subsequent offer of executive clemency for McCord in exchange for silence. Mr. Caulfield also is scheduled to testify before the Senate Committee tomorrow.

In his testimony Friday, McCord related how Mr. Caulfield offered him clemency, financial aid and a job if he continued not to cooperate with the Federal prosecutors. McCord said the offer from Mr. Caulfield—whom he quoted as invoking the name of President Nixon—was first conveyed during the

opening week of the Watergate trial early last January. That would have been about two weeks after McCord's letter was mailed.

During his testimony, McCord told of eventually refusing Mr. Caulfield's offer and said he had repeatedly complained to him that "the Government had lied in denying electronic interception of my phone calls from my residence." McCord added that he had provided Mr. Caulfield "with a memorandum on the dates of the two calls of mine in September, 1972, and October, 1972, that I was sure had been intercepted."

Government investigators said today that McCord was referring to his calls to the Chilean and Israeli Embassies. What McCord did not tell the Senate committee, one source added, was the he had told Mr. Caulfield that he wanted the Government to concede that he had been overheard calling the embassies.

Tainted Case Feared

An associate of Mr. Alch said that was believed "that the Government would not come forward with a wiretap that we knew they had, thereby tainting the whole case."

McCord, in his Senate testimony, named Mr. Alch as among those who had urged him to describe the Watergate bugging as a C.I.A. operation. Mr. Alch, the sources said, filed a motion last week seeking to withdraw from the suit.

The Alch associate said that McCord did not provide any evidence to prove that he had been overheard. "He indicated that he was meeting with someone about this and it was none of Alch's business" the associate said.

After the Government denied the existence of any relevant wiretap logs, the Alch associate said, McCord decided not to press the issue further and instead urged that is defense be

based — as it was — on the argument that he conducted the illegal bugging operation to protect the United States from radicals, and therefore had no criminal intent.

Intelligence officials confirmed the existence of wiretaps on the Israeli Embassy today. One Government source said the top-secret F.B.I. wiretap program was known by the code name "Scope" when it was initiated during the Johnson Administration.

"I remember that the reports were hand-carried around of the political sensitivity of our bugging of an ally," the source added. He specifically recalled reading the transcript of a conversation involving Golda Meir, the Israeli Premier, and Lieut. Gen. Yitzhak Rabin, Israel's Ambassador to the United States, during the Mideast crisis of 1970. "Mrs. Meir was discussing Secretary of State [William P.] Rogers," the source recalled. At the time, the United States was seeking a peace agreement in the Mideast.

Copies of the "Scope" material were routinely distributed by the F.B.I. to the offices of Henry A. Kissinger, President Nixon's national security adviser, and to the C.I.A. and National Security Agency, the intelligence official said.

Limited to Foreign Affairs

He added that intelligence offices in the Government only saw material relating to foreign affairs, and did not get to view transcripts of conversations between the embassy and Congressmen or other transcripts relating to domestic affairs.

One legal expert, asked about McCord's alleged attempt to force the Government to either reveal the wiretap or drop its case, described it today as "a cute idea."

The expert, Herman Schwarz of the University of Buffalo Law School, noted that the Federal Government had been "struggling" with a Supreme Court ruling that national security wiretaps for domestic purposes were illegal if they were obtained without a court order and therefore, must be disclosed.