Lawyer Implies McCord Is 'Going After' President

Earlier Testimony Disputed

Washington

A one-time attorney for James W. McCord Jr. sought in Senate testimony yesterday to undermine his former client's credibility and to suggest that McCord had participated in an anti-administration vendetta.

Gerald Alch, who represented McCord at the Watergate trial in January, denied involvement in efforts to keep McCord "quiet" and implied that McCord had been converted to an effort at "getting" President Nixon.

Alch, in an appearance before the Senate Watergate committee, quoted McCord's current attorney, Bernard Fensterwald, as having boasted two months ago that "we're going after the President of the United States."

"I replied that I was not interested in any vendettas against the President," Alch testified, "but only in the best interest of my client, to which Fensterwald replied, 'Well, you'll see, that's who we're going after, the President.'"

GASPS

There were gasps and a slight stir in the jammed Senate Caucus Room when McCord strode in while Alch was reading a 28-page statement and took a seat next to Fensterwald in an area immediately behind the witness table.

McCord displayed no emotion as he heard his former attorney dispute parts of the testimony he had given Tuesday and on Friday. Both McCord and Fensterwald have asked to testify when Alch is through.

Alch, a Boston lawyer and a partner of the well-known defense attorney F. Lee Bailey, directly disputed only his former client's accusations involving him. These included a charge by

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McCord that Alch had taken part in offers of executive clemency.

IMPLY

But the over-all thrust of Alch's long statement went much further. It suggested that something had happened to McCord since Alch's representation of him — it implied that McCord was now up to something.

Alch said he had watched his former client on television as he testified last Friday, that he "vividly recalled" McCord's praise during the trial, and that he asked himself now "What kind of man is this?"

McCord's principal allegation on Friday was that an administration emissary, John J. Caulfield, had informed him during the trial that President Nixon was aware of offers of executive clemency.

CONFIRM

Caulfield appeared Tuesday and confirmed the offers. He said he had no personal knowledge that Mr. Nixon was involved, but yesterday he added that he believed the President had been behind them.

Caulfield told the Watergate committee that John W. Dean III, the former presidential counsel, had never told him explicitly that Mr. Nixon had authorized the offer of clemency.

Dean had instructed him to approach McCord, Caulfield said, and to say that the promise of clemency came "from way up on top."

"In my mind," Caulfield declared, "I believed that he was talking about the President."

INTENT

Caulfield said he never told McCord that the President had made the offer but that he intended nor McCord to get that impression.

Mr. Nixon, in a statement Tuesday, denied that he ever approved a promise to clemency to anyone involved in the Watergate scandal.

The concentration on McCord, which has persisted since his charge that political pressure had been brought to keep him from talking, was given a highly critical cast by Alch when the lawyer testified:
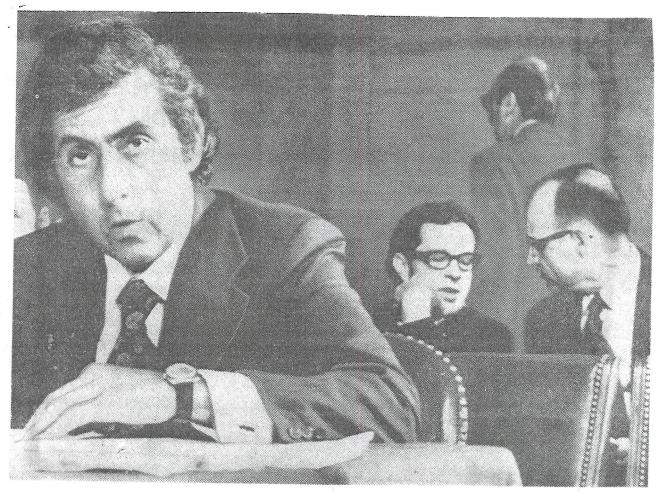
• That his former client had turned down a number of opportunities to tell his story earlier, including a chance to testify at his trial.

• That McCord never said he thought the Watergate operation had been a legal one because it had been authorized by high government officials — an assertion McCord made to the Senate committee.

• That it was only near the end of the trial in January that McCord informed him that he had hearsay evidence that former Attorney General John N. Mitchell had approved the wiretapping.

• That during the trial, Alch had characterized his client as "becoming a bit paranoid" over feelings that his co-conspirators were trying to make him the "patsy" or "fall guy."

• That earlier this month, when he asked Fensterwald to explain one of McCord's "false allegations," Fensterwald had blamed it on his client's "faulty recollection."

"I can tell you one thing," Alch quoted Fensterwald as

Gerald Alch (left) read his statement while James McCord conferred with his lawyer, Bernard Fernsterwald

having said, "it's a terrible cliche, but I think you will agree with it, that there is no zealot like a convert."

Alch, who is scheduled to return for questioning by the senators today, was at times upstaged in the reading of his statement by McCord's entry, departure, and reentry.

But the witness read his statement forcefully and with emphasis and showed no awareness of McCord's presence.

The senators and members of the committee staff had access to the Alch statement in advance, and at times they talked among themselves. But all noted a charge with heavy political overtones.

DISPLEASED

Alch asserted that Fensterwald had been "most displeased with the reaction of the Republican members of this honorable committee" when McCord first appeared before it in secret session last March.

Fensterwald was also quoted as having said that he would submit memorandums on points in McCord's closed-door testimony but that he did not want "the Republicans to see them."

There was no elaboration by Alch. A number of memorandums were sent to the committee from McCord, and so far as is known the three Republican members were shown all of them as they arrived.

Immediately after yesterday's session, Fensterwald said he would reserve comment on the Alch accusations until he could appear before the committee. McCord reiterated some of his charges against his former attorney.

The principal ones were that Alch had helped transmit offers of executive clemency and that the lawyer had proposed a defense blaming the Watergate operation on the Central Intelligence Agency.

Alch confirmed some of the circumstances surrounding the allegations of his former client, but he testified that many of these "have been twisted out of context into untruths."