

Watergate Jury Hears F. Lee Bailey, Associate

By Donald P. Baker

Washington Post Staff Writer

The special Watergate grand jury heard testimony yesterday from attorneys Gerald Alch and F. Lee Bailey.

Alch was the attorney for convicted Watergate conspirator James W. McCord. In an affidavit filed Thursday at the U.S. District Court here, McCord claimed that the "ineffectiveness" of Alch's defense of him should warrant a new trial.

Alch is the senior associate in the Boston law firm headed by Bailey. In the same affidavit, McCord contended that Bailey had called John N. Mitchell, the former Attorney General, on July 1, 1972, to discuss McCord's case. That was the date Mitchell stepped down as director of the President's re-election campaign.

McCord's new attorney, Bernard Fensterwald, said that while at the time McCord believed the call was made in his best interests, it now appears . . . it was not in McCord's interest but rather those of John Mitchell, F. Lee Bailey and Gerald Alch."

Alch said he testified about 2½ hours yesterday, and Bailey followed him. Neither lawyer would comment on what they were asked, but Alch said they had not been subpoenaed, but rather were "requested" to appear.

The two lawyers waited for each other outside the grand jury room on the third floor of the U.S. Court House, and took turns reading the same paperback book, "The Kingmaker."

Meanwhile, Chief U.S. District Court Judge John J. Sirica planned a working weekend at home in preparation for court hearings on the history-making lawsuit filed Thursday against President Nixon.

Sirica said yesterday that he will wait for the White House's answer, due by next Thursday, on a motion by attorneys for the Senate Watergate committee, to reduce from 60 to 20 the days that the President has to reply to their complaint.

Some legal experts had said Sirica could decide the speed-up motion without waiting for the White House reply.

Sirica presumably will be the trial judge in the Senate committee's lawsuit against the President, the first such action in the nation's history. The committee wants the court to compel the President to release tapes and documents relevant to its Watergate investigation. The President has already refused subpoenas of the committee, invoking the doctrine of separation of powers.

On Monday, Sirica will swear in a second special grand jury. Archibald Cox, head of the Watergate special prosecution force, had requested empaneling a second jury to investigate charges of campaign corruption, focusing on illegal contributions by corporations, extortion by federal officials, conspiracy and obstruction of justice.