

Jaworski Responds to McCord Bid for New Trial

Washington

James W. McCord Jr. might have stopped the Watergate coverup at his conspiracy-burglary trial in January, 1973, but deliberately chose not to, the special Watergate prosecutor said yesterday.

In a 50-page brief to the U.S. Court of Appeals, prosecutor Leon Jaworski said McCord's petition for a new trial on multiple grounds should be rejected.

McCord contended there was perjury and obstruction of justice at the trial in January, 1973, at which he and G. Gordon Liddy were convicted by a federal jury of breaking into Democratic National Headquarters. He also said he had new evidence to overturn his conviction.

His one-to-five-year prison sentence is pending while the court studies his appeal and McCord is free under \$5000 bond.

The false testimony tending to conceal the complicity of others "did not in any way indicate that McCord

was guilty of burglary, eavesdropping, possession of eavesdropping devices and cospiracy," the prosecutor said.

"Whether or not McCord and Liddy were authorized to act by the committee that employed them was not an issue for them. McCord was caught red-handed in the Watergate office building and, indeed, his participation in the crimes is still not disputed."

The truthful disclosure of the involvement of higher-ups would not absolve McCord of his guilt, the brief said. "His criminal responsibility is unaffected by discrepancies relating to the number and level of his superiors."

McCord, who first told U.S. District Judge John J. Sirica of the involvement of others on March 20, 1973 — 1 ½ months after his conviction — had the opportunity to do so earlier, Jaworski said.

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