

CR 1827-72 (6)
(US vs GEORGE GORDON LIDDY ET AL.)
(IN RE - #3 JAMES W MC CORD JR)

(6) CONTENTS

FILED

SEP 18 1973

JAMES F. DAVEY, Clerk

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(US vs GEORGE GORDON
LIDDY ET AL.)
(IN RE - JAMES W MC CORD JR)

(THIS ENVELOPE CONTAINS THE ORIGINAL COPY
OF THE TRANSCRIPT OF TRIAL PROCEEDINGS HELD AT THE BENCH
ON WEDNESDAY, JANUARY 3, 1973, PAGES 1-5,
INCLUSIVE) (IN RE - JAMES W MC CORD JR)

(REPORTER: NICHOLAS SOKAL)

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FILED

SEP 18 1973

JAMES F. DAVEY, Clerk

*Sealed 9-18-73
for Captain*

*Sealed 9-18-73
for Captain*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

GEORGE GORDON LIDDY, et al.

Criminal No. 1827-72

ORDER

Upon consideration of the Motion to Release Sealed Portions of the Trial Transcript filed by the Special Prosecutor, Watergate Special Prosecution Force, on June 21, 1973, it is by the Court this 27 day of June, 1973,

ORDERED that the Motion of the Special Prosecutor be, and the same hereby is, granted so that all sealed portions of the trial transcript, with the exception of those portions sealed at the direction of the United States Court of Appeals for the District of Columbia Circuit, shall be made available to the Watergate Special Prosecution Force for use by said Force and its staff, but not for purposes of public disclosure.

John F. Sirica
Chief Judge

A TRUE COPY

JAMES F. DAVEY, Clerk

By *James P. Capitanio*
Deputy Clerk

SCM
1970 1A
WASHINGTON
(202) 2

**United States District Court
For The District of Columbia**

UNITED STATES OF AMERICA)

vs)

GEORGE GORDON LIDDY, et al)

Criminal No. 1827-72

FILED
SEP 18 1973
JAMES F. DAVEY, Clerk

TRANSCRIPT OF PROCEEDINGS

Wednesday, January 3, 1973

(ORDERED SEALED BY THE COURT)

MEMO FOR RECORD - SEPT. 18, 1973

A carbon copy of this transcript was furnished Peter M. Kreindler, Counsel, Special Watergate Prosecution Force, this date, pursuant to Chief Judge Sirica's order of June 27, 1973, a copy of which is enclosed.

JAMES F DAVEY, Clerk

By *James P Capitanio*
James P Capitanio
Deputy Clerk

COPY FOR: Court File

PAGES: 1-5

**NICHOLAS SOKAL
OFFICIAL REPORTER
4800-F U. S. COURTHOUSE
WASHINGTON, D. C. 20001**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

vs

GEORGE GORDON LIDDY, et al

Criminal No. 1827-72

Wednesday, January 3, 1973

The above-entitled cause came on for a hearing at
10:30 o'clock a.m., before THE HONORABLE CHIEF JUDGE JOHN J.
SIRICA. Said proceedings were ordered sealed by the Court.

APPEARANCES:

EARL SILBERT, Ass't. U.S. Attorney
SEYMOUR GLANZER, Ass't. U.S. Attorney
DONALD CAMPBELL, Ass't. U.S. Attorney

PETER MAROULIS, Esq.
GERALD ALCH, Esq.
BERNARD SHANKMAN, Esq.
WILLIAM O. BITTMAN, Esq.
AUSTIN MITTLER, Esq.

P R O C E E D I N G S

THE COURT: All right, Mr. Alch.

MR. ALCH: Your Honor, at the outset subsequent to our telephone conversation of yesterday I made a request through your clerk that the proceedings this morning be held in camera. The grounds of my request are that I do not believe that the subject matter in any way pertains to the merits of the case and being four days away from commencement of trial I would be most reluctant to produce any more publicity than already has been engendered.

THE COURT: I'll hear you at the bench then. Approach the bench.

(AT THE BENCH)

THE COURT: First of all, the Court was informed by my law clerk Mr. Christofferson, when I arrived at my office yesterday morning shortly after 9:00 o'clock that Mr. McCord had come into the office and had given to my law clerk a copy -- probably a xerox copy-- of a letter that Mr. McCord had forwarded to his lawyer, Mr. Gerald Alch, dated January 1st, 1973, on a letterhead of James W. McCord, Jr., 7 Winder Court, Rockville, Maryland:

"Dear Mr. Alch:

This is to release you as my attorney as of today. Subsequent communications will request transfer of appropriate records out of the Watergate hearings in

the case to date to the attorney who will be handling this matter for me.

Very truly yours,

/s/ James W. McCord, Jr."

Then there was a telephone call from Mr. Alch to me and conversations over the phone during the day.

Mr. Alch, I might say I had my law clerk file this letter, the original, with a memorandum on the back of the letter stating his recollection of what Mr. McCord told him when he delivered the letter.

All right. Now, I'll hear Mr. Alch.

MR. ALCH: May it please the Court: subsequent to my being made aware of this letter and its contents I had occasion to contact Mr. McCord and we have had further discussions as a result of which he has made known to me that the attitude reflected in that letter no longer reflects his present state of mind, that he does wish me to continue along with Mr. Shankman as his counsel in this matter and elects that we go forward on his behalf on January 8.

THE COURT: Mr. McCord, do you agree with the statement your lawyer made?

MR. MC CORD: In substance it is correct, Your Honor.

THE COURT: You want him to go forth in connection with your defense in this case?

MR. MC CORD: I do.

THE COURT: All right, that should settle the matter.
Also Mr. Shankman.

As I have indicated before, if something happens to a lawyer from out of town in any case involving defendants I expect local counsel to continue on, starting Monday, January 8.

MR. SHANKMAN: I understand, Your Honor.

THE COURT: I see there are two members of the press over there. I think maybe a simple statement, something like this: that this matter does not concern the merits of the case, that was the reason for the bench conference.

MR. ALCH: I would appreciate it if Your Honor would deem it appropriate if you could state for the record that you have advised counsel not to discuss the standing with the order of what transpired today.

THE COURT: All right. They might speculate what we talked about, we can't help that.

(END OF BENCH. OPEN COURT)

THE COURT: For the record, the matter that was discussed at the bench a few moments ago out of the hearing of other persons in the courtroom had nothing to do with the merits of this case and I have advised counsel on both sides and the defendant Mr. McCord not to discuss the substance of what we talked about at the bench.

Anything further?

MR. ALCH: No, Your Honor.

THE COURT: All right.

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(10:35 a.m.)

CERTIFICATE

It is certified the foregoing is the official transcript of proceedings indicated.

Nicholas Sokal

NICHOLAS SOKAL
Official Reporter