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George Gordon Sexton, et al

CV 1827-72

FILED ✓

SEP 18 1973

JAMES F. DAVEY, Clerk

Original
Sealed addendum to supplemental memo
of U. S. in opposition to motion by
Aet James ^{#3-} v. The Card in the nature of
a writ of error coram nobis.

360

MEMO FOR RECORD - OCT. 15, 1973

Opened by the undersigned to permit
Bernard Fensterwald, counsel for
defendant McCord, to read contents.
JAMES F. DAVEY, Clerk

By *James P. Capitakio*
James P. Capitakio
Deputy Clerk

Received 9-18-73
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9-18-73

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 18 1973

JAMES E. DAVEY, Clerk

UNITED STATES OF AMERICA)	
)	
)	
v.)	Crim. No. 1827-72
)	
)	
G. GORDON LIDDY, et al.)	

#3

SEALED ADDENDUM TO SUPPLEMENTAL MEMORANDUM
OF THE UNITED STATES IN OPPOSITION TO
MOTION BY DEFENDANT McCORD
IN THE NATURE OF A WRIT OF ERROR CORAM NOBIS

This addendum to the government's Supplemental Memorandum responding to defendant ^{James W. #3} McCord's allegations of ineffective assistance of counsel is submitted under seal because it relates to the transcript of proceedings of January 3, 1973, which were sealed by order of the Court. By order of June 27, 1973, this Court granted the Special Prosecutor access to this transcript except for "purposes of public disclosure."

In our Supplemental Memorandum at pp. 2-3, we note that defendant McCord testified before the Senate Select Committee that he had considered relieving counsel prior to trial because of disagreements about the strategy the defense should pursue, but that McCord then changed his mind.

The sealed record of certain proceedings before this Court confirms the fact that McCord's decision to proceed to trial with his original counsel was both informed and voluntary. On January 1, 1973, McCord wrote a letter to Mr. Alch relieving him as counsel. A copy of that letter was furnished to the Court. On January 3, 1973, the following colloquy took place at a bench conference prior

*File under seal. ✓
J.S. 9/18/73*

to the trial, which began on January 8, 1973 (Transcript of Proceedings, January 3, 1973, at 3):

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. McCORD: In substance it is correct, Your Honor.

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

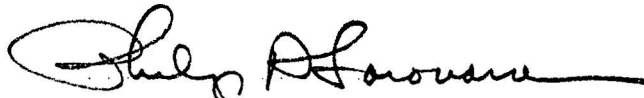
MR. McCORD: I do.

This statement, made by McCord after consultation with his attorney, negates any inference that McCord was not aware of the defense strategy proposed by counsel and did not approve it.

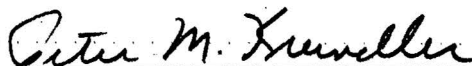
Respectfully submitted,



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