

Bernard Shankman:

An Inventory of His Watergate Papers at the Harry Ransom Center

Descriptive Summary

Creator:	Shankman, Bernard, 1908-2002
Title:	Bernard Shankman Watergate Papers
Dates:	1971-2002 (bulk 1972- 1973)
Extent:	6 document boxes, 2 oversize boxes (osb) (4.20 linear feet)
Abstract:	The Bernard Shankman Watergate Papers consist primarily of legal documents created or produced as a result of Shankman's involvement in the legal defense of James W. McCord, Jr., a Watergate burglar and co-conspirator.
Call Number:	Manuscript Collection MS-5147
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Administrative Information

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Biographical Sketch

Bernard "Barney" Shankman was born in the Ukraine in 1908 and immigrated to the United States with his family at age seven, settling in Chelsea, Massachusetts, near Boston. He received his law degree from Boston University in 1932, and in 1934 moved to Washington, DC, eventually working at the Agricultural Adjustments Administration.

Shankman passed the District of Columbia bar exam in 1937. An amateur boxer himself, he focused his legal practice on amateur sports and entertainment, serving as international counsel for the World Boxing Association, president of the Touchdown Club, and vice president for the Amateur Athletic Union. His career was interrupted by service in the US Marine Corps during World War II, mostly in the DC area, after which he expanded his practice into commercial work, including tort and negligence cases.

In early July, 1972, Shankman was contacted by Gerald Alch, the principal attorney assigned to defend former CIA officer James W. McCord, Jr. following McCord's arrest at the June 17, 1972 break-in at the Democratic National Committee headquarters in the Watergate office complex. Alch was a partner in the Boston firm of renowned criminal defense lawyer F. Lee Bailey and hired Shankman to provide local DC legal assistance with what rapidly became an internationally followed and politically historic case.

McCord often opposed his counsels' advice and terminated Alch's representation in mid-May 1973. Although Shankman enjoyed a less hostile relationship with McCord, his representation was similarly terminated on May 24, 1973, when Bernard Fensterwald assumed duties as McCord's legal counsel. McCord repeatedly alleged that Alch tried to coerce him into adopting a "CIA defense," placing responsibility on McCord's former employer. Both Alch and Shankman consistently and emphatically denied the accusation.

Shankman's interest in highlighting his work in McCord's defense seemed muted, as he omitted mention of it in the biographical highlights for an article that celebrated his legal career in a 1990 issue of *Washington Lawyers*, a professional trade journal.

Shankman married Barbara Robertson, with whom he had three children, Gregory, Gary, and Deborah. Shankman passed away on February 9, 2002.

Sources:

Greenyea, John. "Golden Lawyers." In *Washington Lawyer*, Vol. 5.1 (September-October 1990): 30-41, 64.

McCord, James W., Jr. *A Piece of Tape: The Watergate Story: Fact and Fiction*. Washington, DC: Washington Media Services, 1974.

Washington Post, February 9, 2002, page B7, "Metro" [obituary].

Scope and Contents

The Bernard Shankman Watergate Papers consist primarily of legal documents created or produced as a result of Shankman's participation between 1972 and 1973 in the legal defense of James McCord, Jr., a Watergate burglar and co-conspirator in the 1972 break-in at the Democratic National Committee headquarters. Gerald "Gerry" Alch served as McCord's first principal defense attorney, and called upon Shankman to serve as local counsel, to help coordinate court appearances, and to serve as a supporting conduit for communicating with McCord. The Shankman Papers include public legal documents filed during all phases of the investigation, pre-trial actions, trials, appeals, copies of evidence used, grand jury testimony and affidavits, selected correspondence, and numerous notes produced by Shankman, often handwritten and sometimes illegible. The collection is arranged into four series: I. Legal Firm Administration and Correspondence; II. Legal Process Actions; III. Evidence; and IV. Photographs and Newspapers.

Series I. Legal Firm Administration and Correspondence includes biographical material on Shankman and materials created or received by Shankman in his duties as assisting attorney to McCord, including selected communications between McCord and other lawyers. Among the notable documents in the series is a signed draft of James McCord's letter to Judge John Sirica (folder 1.13), composed March 19, 1973, which dramatically changed the direction of the trial and the Watergate investigation. In the letter, McCord alleged that the defendants had all been coerced to perjure themselves during the trial and strongly implied that senior members of the Nixon administration were directly involved in planning, directing, and funding the activities for which the defendants were being tried.

Series II. Legal Process Actions consists of routine processing in support of the defense, mostly in the form of formal actions filed in court (such as motions, orders, appeals, etc.), and thus are public record in nature.

Series III. Evidence includes exhibits and exhibit listings as well as individual files of evidence for each of the seven defendants arrested on the night of the Watergate break-in (Bernard Barker, Virgilio Gonzalez, Eugenio Martinez, James McCord, and Frank Sturgis) and the two other co-conspirators arrested soon after (Hunt and Liddy). The use of aliases by the defendants often complicates understanding of the sequence of events and activities that lead to their arrests. Sometimes, the conspirators adopted an alias that had previously been used by another member of the group, such as Frank Sturgis' use of the name "Edward Joseph Hamilton," which had previously been employed by E. Howard Hunt. The Series III. file headed "Sturgis," (folder 4.22) is illustrative of how aliases can confuse the identities of the key players, as are Series IV. photographs of evidence (osb 7) bearing the alias names by which the detained men identified, or sought to disguise, themselves.

Series IV. Photographs and Newspapers includes a small collection of black and white photographic prints depicting evidence seized at the scene of the Watergate break-in, and an extensive body of newspaper clippings from prominent papers that covered the Watergate crisis.

As Shankman's defendant, McCord's involvement in the Watergate conspiracy is the central focus of the papers, and in light of the dramatic deterioration of his relationship with his attorneys, and McCord's legal and public actions in response to that erosion, his grand jury testimony (folder 5.28) provides key insight into the broader content of the rest of the collection.

One aspect of McCord and Shankman's relationship that pervades the papers is the attorney-client status at different times. Within Series I., several documents note the status, such as a May 23, 1973, document signed by McCord waiving his right to attorney-client privilege (folder 1.14). In addition, a Shankman deposition for one of several trials resulting from McCord's lawsuits against his former attorneys contains an unambiguous reference to additional waivers invoked by McCord (folder 1.5). In his 1974 book, *A Piece of Tape*, McCord alleged that Alch, and possibly also Shankman, violated his attorney-client privilege during the time they were defending him in court.

The majority of materials in the collection are photocopies. Where material is handwritten, or consists principally in a handwritten format, it is noted in the container list. When present, Shankman's original folder headings are used in the container list and many of the original folders have been retained in the collection.

Related Material

The Ransom Center's Bob Woodward and Carl Bernstein Watergate Papers contain materials topically related to the Shankman Papers.

The following materials include legal actions involving James McCord, and are available at the National Archives & Records Administration, Washington, DC and College Park, Maryland: Watergate-Related Criminal, Civil and Miscellaneous Case Files from the United States District Court of the District of Columbia (from Record Group 21). See especially, Criminal Cases 1827-72, *US v. George Gordon Liddy, Everette Howard Hunt, James W. McCord, Bernard L. Barker, Eugenio Martinez, Frank A. Sturgis, and Virgilio Gonzalez*. See also Civil Actions: 1233-72 *The Democratic National Committee and Lawrence F. O'Brien v. James W. McCord, The Committee to Re-elect the President, Bernard Barker, Eugenio R. Martinez, Frank Sturgis, Virgilio Gonzalez, McCord Associates, John Doe and other conspirators* as well as civil actions 1207-73 and 1630-73.

Index Terms

Correspondents

Alch, Gerald (Gerry).

Bailey, F. Lee (Francis Lee), 1933- .

Fensterwald, Bernard.

McCord, James W. (James Walter).

Subject Terms

Committee for the Re-election of the President.

Nixon, Richard M. (Richard Milhous), 1913-1994.

Pentagon Papers.

United States. Central Intelligence Agency.

Watergate Affair, 1972-1974.

Wiretapping--United States.

Document Types

Legal documents.

Newspapers.

Photographs.

Series I. Legal Firm Administration and Correspondence

Biographical material, 1990-2002, undated	Container 1.1
Business records, 1972-1973	Container 1.2
Notes and correspondence 1972-1973	Container 1.3
Correspondence, 1972-1973	Container 1.4
Deposition of Bernard Shankman, December 12, 1975	Container 1.5
Statement of Bernard Shankman, 1973	Container 1.6
Envelope and handwritten note, 'For Regan' [sic], undated	Container 1.7
Correspondence: blue memorandums, 1972-1973	Container 1.8-9
Correspondence and notes, 1972, undated	Container 1.10
Attorney Gerald Alch memorandum, undated	Container 1.11
Alch, et al File #4-78, including motion for access to sealed records, December 19, 1977 and notice of scheduled hearing, December 21, 1977	Container 1.12
McCord memo to Judge Sirica, signed and initialed by defendant, March 19, 1973, and miscellaneous materials, including handwritten note from McCord to Shankman, December 5, 1972	Container 1.13
McCord waiver of attorney-client privilege, May 23, 1973	Container 1.14
McCord power of attorney, January 30, 1973	Container 1.15
McCord correspondence, including May 4, 1973 letter accusing pressure on defendant to mount the CIA defense and pages 460-464 from proceedings transcript, presenting McCord's testimony	Container 1.16

Series II. Legal Process Actions

McCord et al, re: motions, 1972

1 #1-A deft. Liddy's motion to dismiss the third count of the indictment	Container 1.17
1 #3-C deft. Liddy's motion to compel production of the grand jury's testimony of M. Caddy and A. Baldwin	Container 1.18
1 #4-D deft. Liddy's motion for production of 'Brady Material'	Container 1.19
1 #5-E deft. Liddy's motion for suppression of evidence	Container 1.20
1 #6-F deft. Liddy's motion for a severance pursuant to Rule 14 of FRCRP	Container 1.21
1 #7-G deft. Liddy's motion for a bill of particulars	Container 1.22
1 #8-H motion for subpoena by deft. George Gordon Liddy	Container 1.23
1 #9-I deft Liddy's motion to transfer to another judicial district for trial	Container 1.24
#1 Liddy's Response to the demand for notice of intention to raise alibi defense	Container 1.25
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2 #2-B motion by all defts. to file certain motions under seal of the court	Container 2.1
2 #3-C motion by deft. E. Howard Hunt to dismiss	Container 2.2
2 #4-D motion by deft. E. Howard Hunt, Jr. to dismiss the indictment	Container 2.3
2 #5-E motion by deft. Hunt to join certain motions of deft. Liddy	Container 2.4
2 #6-G motion by deft. Hunt for return of property and to suppress evidence	Container 2.5

2 #7-G motions of deft. Hunt, McCord and Liddy for suppression of evidence	Container 2.6
2 #8-H motion of deft. Hunt for a bill of particulars	Container 2.7
2 #9-I motion of deft. Hunt for relief from prejudicial joinder	Container 2.8
2 #10-J deft. Hunt's motion for production of certain evidence favorable to defts.	Container 2.9
2 #12-L motion of deft. E. Howard Hunt for order to produce grand jury testimony of Michael Caddy and A. Baldwin	Container 2.10
2 #13-M motion of deft. Hunt for order to produce books, papers, documents, tangible objects	Container 2.11
2 #14-N motion of all defts. for leave to file a supplemental motion	Container 2.12
Motion of defendant Hunt, memo: production prior to trial of material subpoenaed from Los Angeles Times relating to Alfred C. Baldwin III	Container 2.13
2 #15-O motions by defts. Hunt and Liddy for transfer to another district for trial or alternatively for a continuance	Container 2.14
2 #16 Motion by deft. Hunt to show cause why A. Baldwin should not be adjudged in contempt of court	Container 2.15
2 + 3 motions of defts. Liddy and Hunt--demand for notice of alibi	Container 2.16
3 #2-K motion of deft. McCord to join in motions of defts. Hunt and Liddy	Container 2.17
3 #3-L motion of deft. McCord to dismiss those counts alleging a violation of DC Code 23-543	Container 2.18
3 #4-M motion of deft. McCord to dismiss and/or other appropriate relief	Container 2.19
3 #5-M motion of deft. McCord concerning mail cover	Container 2.20
3 McCord petition for modification of bail conditions	Container 2.21
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4 #1-O Motions of defts. 4, 5, 6, and 7 to join in letter of Wm. Bittman to Judge Sirica requesting that the judge recuse himself	Container 2.23
4-5-6-7 #2 Motion for relief from prejudicial joinder of defendants	Container 2.24
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Types of sentencing available to judges in US District Court for District of Columbia, two copies, undated, and 4-page extract from Superior Court of DC Criminal Rules, February 1, 1971	Container 3.4
McCord, correspondence and order relating to defendant's motion for bail, March 21-28, 1973, and notice of appeal, March 20, 1973, on onionskin	Container 3.5
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Motions to suppress the contents of illegally intercepted wire or oral communications and evidence derived there from, filed on behalf of 'aggrieved,' December 18, 1972 to January, 1973	Container 3.12
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Pre-trial conference 2, transcript of proceedings, December 19, 1972	Container 3.14
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Routine legal process filings, September 26 to October 24, 1972	Container 4.6

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FBI interview statements (FD-302) (2), June 26, 1972 and September 21, 1972; Metropolitan Police Department property record (PD 81), June 17, 1972; photocopy of ten (10) \$100 dollar bills, June 16, 1973	Container 4.8
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Exhibit lists, January 17-24, 1973, and stipulation, 2 pages, January 21, 1973	Container 4.15
Marked exhibits, consisting mostly of receipts for travel, equipment purchases, and lodging, for James McCord, January-May 1972, with excerpt from Title 23--Criminal Procedures	Container 4.16
Barker, consisting of diverse evidence all related to defendant Bernard Barker (alias Frank Carter), 1971	Container 4.17
Gonzalez, consisting of diverse evidence all related to defendant Virgilio Gonzalez (alias Raoul Goddyn or Godoy), undated	Container 4.18
Hunt, consisting of diverse evidence all related to defendant Everett (E.) Howard Hunt (alias George F. Leonard), 1972	Container 4.19

Liddy, consisting of government service timesheets and "Record of Leave Data Transferred," all related to defendant George (G.) Gordon Liddy, from July 11, 1971 to January 7, 1972	Container 4.20
Martinez, consisting of photocopied address book belonging to defendant Eugenio Rolando Martinez, undated	Container 4.21
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Jack Stewart, FBI interview transcript (FD-302), two copies, July 14, 1972	Container 5.3
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Kathleen Ann Chenow, grand jury testimony, two copies, July 7, 1972	Container 5.5
Ida Maxwell Wells, FBI interview transcripts, June 27 1972 and September 21, 1972, and grand jury testimony, September 13, 1972	Container 5.6
John S. Wilburn, Jr., letter to FBI, October 4, 1972, with supporting documents and excerpt, Title 23--Criminal Procedure [see also folder 6.4, photocopy of same letter letter]	Container 5.7
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Artiles, Rogelio, Osvaldo Artega, FBI interview transcript (FD-302), December 27, 1972	Container 5.9
Franco Rovere, FBI interview transcript (FD-302), two copies, July 3, 1972	Container 5.10
Attorney Miguel A. Suarez, FBI interview transcript (FD-302), two copies, June 22, 1972 and grand jury testimony, 44 pages, June 28, 1972	Container 5.11

Roy Scherrer, FBI interview transcript (FD-302), two copies, July 14, 1972	Container 5.12
Sue Margaret Schiller, FBI interview transcript (FD-302), three copies, August 15, 1972	Container 5.13
David Peter Quinn, FBI interview transcript (FD-302), two copies, July 11, 1972	Container 5.14
Reynaldo, Ectore, FBI interview transcript (FD-302), one copy, June 24, 1972	Container 5.15
Michael Richardson, FBI interview transcript (FD-302), two copies, June 26, 1972	Container 5.16
Morton Barrows Jackson, FBI interview transcripts (FD-302), two copies from July 5, 1972, and one copy, from July 6, 1972; grand jury testimony, 37 pages; and two page billing summary for defendants Hunt and Liddy, in letter from attorney Morton B. Jackson to US chief counsel Earl Silbert undated	Container 5.17
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Bauman, Jack M., including two packets of photocopied evidence of materials dating December 20, 1971 to January 14, 1972 and each packet bearing different evidence marking and FBI exhibit indicators, although the evidence depicted is identical; also includes an interview transcript, (handwritten date) January 3, 1973 and stipulation, "received" December 16, 1972	Container 5.19
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Fred Fielding, FBI interview transcripts (FD-302), July 3, 1972, three pages, two copies, and July 5, 1972, one page, two copies	Container 5.21
Harry Collot, FBI interview transcript (FD-302), two copies, July 5, 1972	Container 5.22
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Spencer Oliver, grand jury testimony, fourteen pages, September 13, 1972	Container 5.24
Affidavits of Jack Nelson and Ronald Ostrow, and six others, all journalists, and labeled consecutively as attachments C-J, in multiple and varying copies, in addition to five legal process filings without obvious relationship to eight affidavits, 1972	Container 5.25

Porter, Lloyd, FBI interview transcripts (FD-302), July 19, 1972, four pages, and grand jury testimony, handwritten date August 10, 1972 on cover page of eighty-five page packet numbered 92 to 176 consecutively (cover page unnumbered)	Container 5.26
Sloan, Hugh W. Jr., includes five-page "Exhibit 1" interview of Hugh W. Sloan, Jr. by General Accounting Office representatives, August 23, 1972; court interview of Sloan, without clear indication of nature of witness' appearance, reflecting both initial testimony (pages 53-72) and further testimony after being recalled (pages 103-107; and grand jury testimony, July 31, 1972, thirty-seven pages	Container 5.27
James Walter McCord, Jr. grand jury testimony, packets comprising transcripts of three instances of defendant examination: June 30, 1972, seventeen pages of testimony; July 5, 1972, twenty-nine pages of testimony numbered pages 6 through 35 consecutively; and a second examination, when defendant was recalled on July 5, 1972, for further questioning, pages 35-59 totaling twenty-four pages	Container 5.28
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Joe Parsons, letter, from John S. Wilburn, Jr. to FBI Laboratory, October 4, 1972 [see also folder 5.7, photocopy of same letter letter]	Container 6.4
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Michael Brennan, FBI interview transcript (FD-302), two copies, June 24, 1972	Container 6.6
Linda Lee Jones, grand jury testimony, eighteen pages, two copies, August 24, 1972	Container 6.7
Bruce Kehlri, FBI interview transcript (FD-302), two copies, July 5, 1972	Container 6.8
Odle, Robert Jr., includes three grand jury testimonies (June 27, 1972; August 3, 1972; and August 18, 1972) and at least eight FBI interviews (June 26 to October 12, 1972)	Container 6.9
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Transcript of proceedings, December 4, 1972, one hundred and nineteen pages,
bound with heavy duty alligator clip

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6.11

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Series IV. Photographs and Newspapers

Black and white photographic prints, varying sizes depicting evidence with and without identity tags of each of the five Watergate break-in defendants, views from within the Democratic National Committee headquarters, and external perspectives of the Watergate building. Full-pages and clippings of newspapers, including the Washington Post, the New York Times, and the Evening Star and Washington Daily News, containing articles and coverage of the Watergate crisis; some mounted onto yellow legal paper with handwritten date and source indicated; includes material depicting Shankman, with attached correspondence., April 23 to November 10, 1973.

Container
osb 7-8