

John Sirica, Watergate Judge, Dies

By Bart Barnes
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John J. Sirica, the U.S. District Court judge whose persistence in searching for the facts while presiding over the Watergate cases led to President Nixon's resignation, died of cardiac arrest yesterday at Georgetown University Hospital. He was 88.

Sirica's order that tape recordings of White House conversations about the Watergate break-in be made available to prosecutors precipitated Nixon's resignation in 1974. The tapes revealed that Nixon had approved plans for the Watergate coverup six days after the break-in at the Democratic National Committee's headquarters in the Watergate complex by men who were working for the Committee to Reelect the President.

In directing the White House to produce the tapes, Sirica set himself on a constitutional collision course with Nixon, who tried to invoke executive privilege and argue that the tapes were not subject to judicial scrutiny. But in a historic ruling, the U.S. Supreme Court upheld Sirica, ruling unanimously that the judiciary must have the last word in an orderly constitutional system.

Throughout his conduct of the
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Watergate trials, Sirica made it clear that he intended to get at the truth of what had happened, and said that in doing so, he did not intend to be bound by traditional ideas of courtroom procedures. He often questioned witnesses himself, and he instructed jurors that it was their duty to consider not just what had happened, but why. When he suspected that what was unfolding in his courtroom was less than the whole truth, he made his feelings

known.

Critics contended that Sirica had overstepped his bounds. But his conduct was sanctioned enthusiastically by the U.S. Court of Appeals in upholding the conspiracy, burglary, wiretapping and eavesdropping convictions of G. Gordon Liddy stemming from the Watergate break-in on June 17, 1972.

"Judge Sirica's palpable search for the truth in such a trial was not only permissible, it was in the highest tradition of his office as a federal judge," U.S. appeals court Judge Harold Leventhal wrote.

"Simply stated, I had no intention of sitting on the bench like a nincompoop and watching the parade go by," Sirica recalled in a book several years after the trial.

As the events of Watergate unfolded, Sirica's original suspicions that there was more to the case than a simple burglary were more than amply borne out. In all, 19 officials of the Nixon administration and reelection campaign, including the president's two closest aides and his attorney general, went to jail. The president, facing impeachment proceedings in the House of Representatives, resigned on Aug. 9, 1974.

Sirica had become a household name in America by the time the last of the appeals was exhausted in 1977.

Universities awarded him honorary degrees. Time magazine made him its Man of the Year for 1973. After it all ended, Sirica wrote a book about Watergate, "To Set the Record Straight."

In his book, he expressed his outrage for the first time, saying that Nixon should have been indicted after leaving the presidency for his part in the Watergate coverup.

Jon R. Waltz, a Northwestern University Law School professor, called Sirica a tough, tenacious, patriotic Harry Truman of the bench.

But it was also true, Waltz wrote in his review of the judge's book, "that there are those who would have said that Judge John Sirica represents nearly everything that can go wrong with the federal judicial selection process."

Waltz said Sirica's nomination to

the bench was a reward for political service to the Republican Party, that his educational background was mediocre and that he was known as a careless, irritable trial judge.

Born March 19, 1904, in Waterbury, Conn., John Joseph Sirica was the son of an Italian immigrant fa-

ther and a second-generation Italian American mother. When he was 6 or 7, the struggling family, searching for a better life, set out on an odyssey that brought them in 1918 to Washington.

They settled in a two-room flat above a shoemaker's shop on D Street NW and Sirica worked as a trash collector's helper. The job made him responsive to his father's urgings about going to school.

He enrolled in night classes at Emerson Preparatory School, then transferred to Columbia Preparatory School. In 1921 he graduated with what he later said was the equivalent of two or three years of high school.

It was possible then to go from high school into law school, and Sirica enrolled first at George Washington University Law School, then at Georgetown University. He dropped out of each after a month, but in January 1923, he returned Georgetown and stuck with it.

Having learned to box at the YMCA, he paid expenses by teaching boxing and acting as a physical education instructor at a gym, where he met men who would help him later in his career.

Finishing law school in June 1926, he took the bar exam, but certain that he had failed, went to Miami to join his family. In mid-July he won a 10-round professional bout there, but he learned about that time that he had passed the bar exam.

Returning to Washington, he was turned down by the city's major law firms, but he finally joined a small firm practicing criminal law.

Sirica lost the first 13 court-assigned felony cases he tried. Once, in exasperation, he punched a vice squad policeman during an argument in the prosecutor's office. When an old sparring partner, Leo

Rover, became U.S. attorney in Washington during the Hoover administration, Sirica joined his staff.

Sirica said in a prologue to his book that he "never forgot" the favor the Republicans had done him.

In 1934, figuring the Democrats

would soon replace Rover, Sirica left to begin 15 years of private practice that he later described as "my starvation period."

Briefly he tried his hand at promoting prize fights. The venture flopped, but he formed a fast friendship with former heavyweight champion Jack Dempsey. During World War II, the two toured the country selling government savings bonds, and when Sirica married in 1952, Dempsey was his best man.

Sirica became increasingly active in the Republican Party, making speeches before Italian American voters during presidential campaigns. He was counsel to several congressional committees. In 1949, Hogan and Hartson, seeking a lawyer with trial experience, hired him. Eventually he headed the firm's trial section.

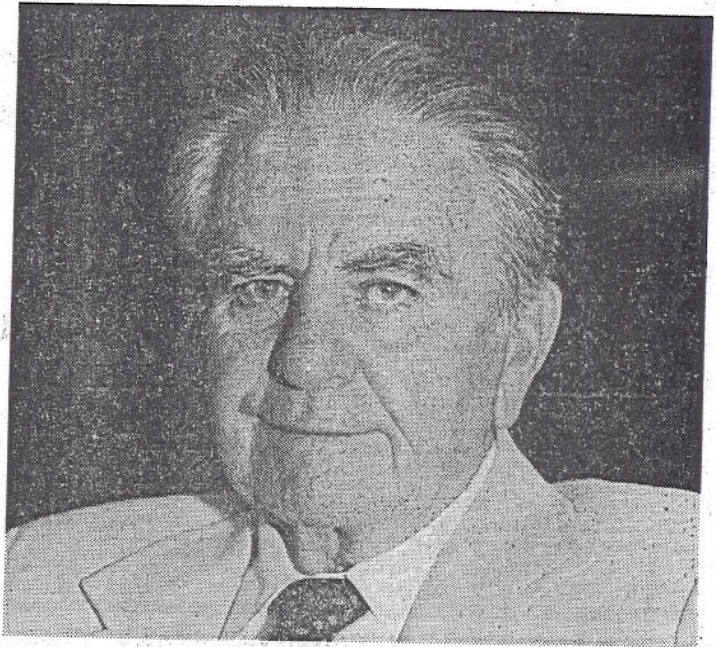
In 1957, a vacancy arose on the U.S. District Court for the District of Columbia, and Sirica called in some chits. On April 2, 1957, he was sworn in as a federal judge.

Once on the bench, Sirica developed a reputation as an outspoken, unpredictable judge. Reporters gave him the nickname "Maximum John" because of his stiff sentences. He was reversed on appeal more often than most judges.

When the first of the Watergate cases arrived at U.S. District Court in 1972, Sirica, by virtue of seniority, was the chief judge, and he assigned it to himself.

But the trial failed to get to the heart of the matter, and Sirica imposed stiff provisional sentences on the defendants, leaving open the possibility of a reduction for those who decided to cooperate with federal investigators.

Eventually, one of the original defendants, James McCord, wrote a letter to Sirica charging that perjury had been committed at the initial trial and that payments had been made to keep the defendants from implicating higher-ups. In March 1973, Judge Sirica read the letter aloud in his courtroom, and from that point on the coverup began to unravel.



U.S. District Judge John J. Sirica on his last day before retiring at 82 in 1986.

The pace of federal grand jury and congressional investigations began to quicken. When the existence of the White House tapes became known, a long legal battle began over whether Sirica and the prosecutors could hear them.

"I found the whole thing disgusting," was Sirica's immediate reaction when he heard the tapes. "A lifetime of dealing with criminal law . . . had not hardened me enough to hear with equanimity the low political scheming that was being played back to me from the White House offices," he said in his book.

On July 24, 1974, the Supreme Court upheld Sirica's order that the Watergate tapes be made available, and Nixon resigned 15 days later. That fall Sirica presided over the trial of several top Nixon aides, including H.R. Haldeman, John Ehrlichman and former attorney general John Mitchell, who were found guilty in a verdict returned late in

afternoon of Jan. 1, 1975. Several other former White House officials already had pleaded guilty and been jailed by then, and Sirica reduced the sentences of most of those who had cooperated with the investigation.

After Watergate, Sirica continued for many years to sit as a senior judge at U.S. District Court, although at a reduced schedule.

He is survived by his wife, the former Lucile Camalier, and three children, John Jr., Patricia Anne and Eileen.