

Judge's Gag Order Questioned

By Lawrence Meyer
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House Banking and Currency Committee Chairman Wright Patman yesterday expressed "deep concern" to the judge who has prohibited anyone connected with the trial of seven men charged in the break-in at the Watergate from publicly discussing the case.

In a five-page letter to Chief District Judge John J. Sirica, Patman said that Sirica's order may be so broad that it will interfere with an investigation Patman hopes to hold.

Patman said that the Justice Department has used the case as an excuse to frustrate his Committee from investigating other aspects of the "Watergate caper." "This . . . heightens the need for you to limit your order to those very specific charges in the indictments and not allow your order to be used for broader political purposes," Patman wrote Sirica.

Sirica, who has appointed himself to preside over the trial of the seven defendants, charged in connection with the break-in at Democratic National Headquarters, Wednesday explained in a telephone interview that he had tried to make the order "as broad as I

could." Sirica acknowledged that the order could possibly prevent Democratic presidential candidate George McGovern from discussing the case, but McGovern said he would not be inhibited by it. Patman said he was confident Congress could proceed with its own investigation, in the face of Sirica's order, "but what I am concerned about is the interpretation which prospective congressional witnesses might place on your order." Among the questions Patman said he wanted to investigate was the granting of a national charter to a Minnesota bank following a \$25,000 contribution that wound up in the bank account of one of the Watergate suspects.

Patman asked Sirica to reply "at the earliest possible moment." Sirica, who was at home yesterday because of illness, was informed by aides that Patman's letter was delivered to the judge's chambers yesterday afternoon. Sirica's clerk said the letter probably would be taken to the judge today. In the meantime, Sirica was reported to have no comment on it.

Patman, a member of Congress since 1929, said he knew of no precedent for a congressman writing a fed-

eral judge about a court order. Patman said he had not spoken to Sirica yesterday. "He gave out his interview," Patman said, "and I felt privileged to give out this," referring to the letter.

Patman's letter highlighted a potential constitutional confrontation involving all three branches of government. Sirica's order was sought by the defense but was not protested by the prosecution.

When it was pointed out to Sirica Wednesday that the order might prevent McGovern and other political candidates from discussing the June 17 Watergate break-in, Sirica said, "I frankly hadn't given that a thought."

The Watergate case is not the first, although it may turn out to be the most, sensational case Sirica has handled as a judge.

Born in Connecticut 68 years ago, a resident of Washington since he was 14, Sirica received his law degree from Georgetown University Law School. Sirica, an amateur boxer in college, befriended Jack Dempsey in 1924 and toured with him. Dempsey remains a friend of Sirica.

Sirica served about three years as an assistant United States attorney in the early 1930s before resigning to

practice law. In 1934, while in private practice, Sirica used his boxing talents on a Metropolitan police sergeant who, according to witnesses, took a swing at Sirica. Sirica left the officer with a swollen eye.

At that time, residents of the District of Columbia did not have the vote; nonetheless Sirica served as a volunteer speaker for the Republican National Committee. His reward, in 1957, was an appointment to the District Court here by President Dwight D. Eisenhower. He is chief judge by virtue of his seniority.

On the bench, Sirica has developed a reputation as a tough, stern judge, but not as a legal scholar. Occasionally he has shown that he is not indifferent to publicity.

During the trial earlier this year of Robert L. Ammidown, convicted of the first-degree murder of his wife, Sirica consistently refused to accept Ammidown's offer to plead guilty to second-degree murder, an offer supported by the prosecution.

At one point during the Ammidown trial, Sirica told the lawyers, "I would have been the laughing stock of this country in my opinion and I don't think fit to stay on the bench had I accepted a second-degree plea in this case."

Tough, but reserved in court, Sirica is courteous, but reserved in private conversation.

Patman said yesterday that he was sure Sirica was being "conscientious" in issuing his order.