

Appellate Court Praises Sirica As It Upholds Liddy Conviction

WASHINGTON, Nov. 8 (AP)—A unanimous Federal appeals court, praising Judge John J. Sirica, upheld today the burglary, wiretapping and conspiracy conviction of G. Gordon Liddy, one of the seven original Watergate defendants.

The seven judges of the Appeals Court for the District of Columbia said that Judge Sirica had acted "in the highest tradition of his office as a Federal judge" in cross-examining witnesses in the original Watergate trial.

All seven of the original Watergate defendants have appeals pending. Mr. Liddy's was the first to be acted on.

In their 33-page decision, the judges said a trial judge has the right to ferret out any testimony "he believes to be perjurious or highly questionable."

Principals in the Watergate scandal have admitted lying at the trial in trying to cover up the role of White House aides and Nixon re-election committee officials in the June 17, 1972, break-in at Democratic National Committee headquarters.

During the first trial, Judge Sirica not only extensively questioned Hugh Sloan, treasurer of the Nixon finance committee, when the jury was out of the room, but read Mr. Sloan's testimony to the jurors when they returned.

In supporting Judge Sirica's aggressiveness during the trial,

the appeals court said a judge may recall or question witnesses at will "to remove or dilute the pollution of a trial by testimony he believes to be perjurious or highly questionable."

The decision said that obtaining truthful testimony is particularly important when "the case involves the integrity of the nation's political system."

It declared: "Judge Sirica's palpable search for truth in such a trial was not only permissible, it was in the highest tradition of his office as a Federal judge. And although his execution of this objective presented problems, as must be acknowledged, they were not the kind that deprived defendants of a fair trial."

Until three weeks ago, Mr. Liddy had been imprisoned since his first Watergate conviction. He had refused to testify before grand juries investigating the scandal and had been jailed for contempt. He is now free on \$5,000 bond.

His lawyer, Peter Maroulis, said his client would remain free pending formal notification of the decision today, as well as a decision on whether to appeal the ruling to the Supreme Court.

Mr. Liddy, a former agent of the Federal Bureau of Investigation and counsel to the Nixon finance committee, was sentenced on March 23, 1973, to a jail term of six years and eight months to 20 years and was fined \$40,000.