

**SIRICA - WATERGATE**

A high-visibility case places enormous pressure on the trial judge. This is especially the situation when a matter of wide national interest is filed in the U.S. District Court for the District of Columbia because Washington, D.C., harbors an experienced, cynical, widely varied national press corps, foreign and domestic: TV, newsprint, columnists, magazines; and when a high-visibility story develops, they never stop reporting, even when there is nothing in particular to write about.

Judge Sirica handled the intense press attention of Watergate like a pro. There were often press meetings as he started from his home to court in the morning and he seemed always available for questions. He became an enormously popular public figure during the turmoil of Watergate.

Within the Court, he turned over the day-to-day affairs of the Chief Judge to Judge Hart and exercised his prerogative as Chief Judge to assign and control the ever-increasing volume of Watergate-related matters. He sent many key cases to me; campaign contribution matters to Judge Hart; and some other matters to Judge Bryant.

Judge Sirica and I were not involved away from the courthouse. Our friends and interests were different. During Watergate we worked together intimately and without friction, often seeing each other daily.

The pressures of the trial itself on Judge Sirica seemed to grow. It was obvious that his entire judicial career would be largely remembered by how he handled the major Watergate trial, which he had assigned to himself and cleared his decks to handle. There were many novel issues; some novel defense motions had no precedent. He hated graft in government and wanted the truth to come

out, but because he had come to the bench through local Republican politics he sensed every ruling he made favorable to the defense would be looked at by those who didn't know him with "cover-up" suspicion. He wanted to be fair to both sides, and the pretrial motions made it more difficult to handle. He could not sleep too well, would pace up and down the corridors and often checked difficult decisions with former Chief Judge McGuire and other judges he might find available.

Judge Sirica's chambers and mine were on the same floor. I was also deeply involved in Watergate cases. Both of us were very early risers and usually the first two judges arriving at the courthouse. He often came and talked with me in my chambers before he opened court in the morning; and sometimes his law clerk, following his suggestion, would check his way of expressing a ruling with me. He could ignore advice as readily as he would accept it and always did what he thought best. I felt I helped him a bit more often than not, but not always. Once when I ruled that the press could have access to tapes received in evidence in his case, when the issue came up in a collateral matter he turned over to me, he promptly took the matter back, ruled the other way and only much later the United States Supreme Court agreed with my view.

There were times, on the other hand, when I was successful in reworking the text of a ruling he proposed to make and helped to clarify the point he wanted to make. He had a short temper on occasion, and I would counsel him to keep his legitimate anger over some of the legal theatrics to himself.

He was very excited but cautious when McCord's famous letter came to him sealed. He speculated it might contain a confession, a bribe, or perhaps a wholly irrelevant scandal, designed to hurt the President or someone else. When the letter was finally opened in the presence of the FBI and interested attorneys, he knew the case had broken wide open and what followed is history.

When Congress later turned to the Independent Counsel problem and began to fashion a permanent statute, some on the Hill had the idea it would be desirable to put the appointing power in the United States District Court for the District of Columbia. Judge Sirica and I wrote a letter turning the proposal down after consulting the full Court. None of us had any enthusiasm for the idea.

The strong support Judge Sirica received from the Court of Appeals, which, at that time, recognized the difficulties under which he had labored, and his own strong stance and excellent public relations, all combined to make him a national hero. People trusted him and he helped to bring influence and prestige to the District Court and the federal bench generally.

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