

Judge Sirica's Mercy ^{NYT}

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In ordering the release from prison of three major participants in the Watergate scandals, Judge John J. Sirica has wisely exercised his right to temper justice with mercy.

The three—John W. Dean 3d, Herbert W. Kalmbach and Jeb Stuart Magruder—having served respectively four, six and seven months in prison, had routinely appealed for a reduction of their sentences. While all of them, and particularly Mr. Dean, initially had been deeply involved in the White House conspiracy, they subsequently cooperated fully with the Special Prosecutor and the court. Indeed, Mr. Dean played a key role in exposing the White House cover-up, and he provided crucial testimony in the recent trials of former President Nixon's top aides in Judge Sirica's United States District Court.

Since the judge turned aside all questions about the motivation of his order, the surprising move can only be explained by guesswork. It is easy to believe that the carefully documented litany in his courtroom of the sordid conduct of Mr. Nixon himself and his top aides may have persuaded Judge Sirica that wrongdoing in the lower echelons merited greater leniency. In view of Judge Sirica's laudable determination to get at the full truth of Watergate, it is also possible that his remission of the sentences may act as an inducement to those yet to be tried or sentenced to help the Special Prosecutor with pending cases, thus completing the national house-cleaning.

While the decision to release the three men seems entirely commendable, as no further purpose would have been served by keeping them in jail, Judge Sirica would be well advised to explain his order with a fuller statement than he has yet made. The Watergate cases are inextricably intertwined with the American people's search for a new trust in their institutions. A better public understanding of the law therefore is preferable to mysterious justice, even when compassionate.